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 9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 JULIAN FLORES MARQUEZ, *et. al.*,
 11
 Petitioners,
 12
 v.
 13 JASON KNIGHT, Acting Las Vegas/Salt
 Lake City Field Office Director,
 Enforcement and Removal Operations,
 14 United States Immigration and Customs
 Enforcement (ICE); JOHN MATTOS,
 15 Warden, Nevada Southern Detention
 Center; KRISTI NOEM, Secretary, United
 16 States Department of Homeland Security;
 PAMELA BONDI, Attorney General of the
 17 United States; EXECUTIVE OFFICE FOR
 IMMIGRATION REVIEW,
 18
 Respondents.

Case No. 2:25-cv-02203-RFB-NJK
**Federal Respondents' Response to the
 Petition for Writ of Habeas Corpus
 (ECF No. 1)**

19
 20 The Federal Respondents hereby submit this Response to the Petition for Writ of
 Habeas Corpus (ECF No. 1) submitted by Julian Flores Marquez and Israel Garcia
 21 Plancarte (collectively, "Petitioners"). The Federal Respondents are amenable to receiving a
 22 ruling on the papers and are willing to waive a hearing.

23
 24 **I. Introduction**

25 The Petition asserts that the Federal Respondents are in violation of the INA because,
 26 according to Petitioners, the mandatory detention provisions set forth in 8 U.S.C. §
 27 1225(b)(2) do not apply to aliens who previously entered the United States without
 28 inspection and have been residing in the United States without the requisite documentation

1 or without a valid, legal immigration status prior to being apprehended by ICE and placed
2 in removal proceedings. ECF No. 1, ¶ 76. Petitioners argue that they are instead subject to
3 detention under 8 U.S.C. § 1226(a). *Id.* Further, Petitioners assert that their continued
4 detention violates their right to procedural due process. *Id.* Consequently, Petitioners request
5 that the Court assume jurisdiction over this case, order that the Federal Respondents release
6 Petitioner immediately, conduct a “bail hearing given the recent auto stay filed by
7 Respondents,” order an individualized bond hearing for the Petitioners, prevent the Federal
8 Respondents from transferring Petitioners to another jurisdiction, and award attorney’s fees
9 under EAJA. *Id.* at 27.

10 As a preliminary matter, the prayer for relief is inaccurate because neither Flores
11 Marques nor Garcia Plancarte is subject to detention by virtue of any automatic stay. Instead,
12 they are both subject to detention pursuant to 8 U.S.C. § 1225, and no immigration judge
13 has granted a bond to either Petitioner in this case.

14 Setting the Petition’s reference to a non-existent automatic stay aside, the Federal
15 Respondents maintain that Petitioners’ detention under 8 U.S.C. § 1225 is lawful and does
16 not violate principles of due process. The issues presented in this case are not novel as they
17 are substantially similar to arguments that have been recently litigated in other proceedings
18 before this Court and other district courts.

19 Accordingly, for the reasons stated below—and as set forth more fully in the United
20 States’ prior response in *Morales Rondon v. Bernacke*, Case No. 2:25-cv-01979-RFB-BNW (D.
21 Nev. Oct. 15, 2025) as incorporated herein—Petitioners fail to demonstrate that they are
22 entitled to the relief requested.

23 II. Factual and Procedural Background

24 A. Julian Flores Marquez

25 Petitioner Flores Marquez is a citizen of Mexico. Exhibit B, at 1. He entered the
26 United States at an unknown place and on an unknown date. *Id.* He was not admitted or
27 paroled after inspection by an immigration officer. *Id.* He does not possess a valid visa,
28

1 reentry permit, border crossing card, or any other valid document as required by the
2 Immigration and Nationality Act (“INA”). *Id.*

3 On March 5, 2006, Petitioner Flores Marquez was arrested for driving under the
4 influence of alcohol, a criminal offense, which resulted in a conviction. *Id.* at 7. On July 27,
5 2025, ICE encountered Petitioner Flores Marquez at the Utah County Jail. *Id.* He then
6 stated that he does not possess any valid immigration documents allowing him to remain in
7 the United States. *Id.* He also declared he entered the country on or about March 1, 2001 at
8 or near San Ysidro, California, without inspection by an immigration officer. *Id.* The
9 location through which Petitioner Flores Marquez entered the United States is not
10 designated as a port of entry. *Id.*

11 Petitioner Flores Marquez has a criminal history. As stated above, he was convicted
12 for driving under the influence on April 3, 2006, by the 4th District Court, Utah County,
13 Utah. *Id.* Additionally, on April 26, 2025, he was also arrested for two separate offenses:
14 domestic violence and domestic violence in the presence of a child. *Id.* Petitioner Flores
15 Marquez is reportedly “amenable to removal.” *Id.* at 8.

16 Petitioner Flores Marquez applied for a visa on July 13, 2008, and August 18, 2008,
17 and both of his *applications* were denied. *Id.* Upon information and belief, he is currently in
18 ICE custody in Nevada. ECF No. 1, ¶ 65.

19 **B. Israel Garcia Plancarte**

20 Petitioner Garcia Plancarte is a citizen of Mexico. Exhibit C, at 1. He entered the
21 United States at an unknown place and on an unknown date. *Id.* He is present in the United
22 States without having been admitted or paroled. *Id.* at 7.

23 On October 11, 2025, Petitioner Garcia Plancarte was charged for public
24 intoxication in the Fifth Judicial District, Washington County Justice Court. *Id.* ICE
25 encountered Petitioner Garcia Plancarte at the Washington County Jail. *Id.* He stated he
26 does not have any valid immigration documents that would allow him to legally be or
27 remain in the United States. *Id.* He also stated that he entered the United States on or about
28 December 2006, at or near Arizona without having been inspected by an immigration

1 officer. *Id.* Petitioner Garcia Plancarte’s location of entry is not designated as a port of entry.
 2 *Id.* Upon information and belief, he is currently in ICE custody in Nevada. ECF No. 1, ¶ 68.

3 III. Argument

4 A. Incorporation By Reference of United States’ Prior Response

5 Federal Respondents hereby incorporate by reference the Federal Respondents’
 6 Response to the Petition for Writ of Habeas Corpus in *Morales Rondon v. Bernacke*, No. 2:25-
 7 cv-01979-RFB-BNW (D. Nev. Oct. 15, 2025) (“Morales Rondon Response”) as ECF No.
 8 8, as though fully set forth herein.¹ The Morales Rondon Response has been attached herein
 9 as Exhibit A, and it addresses substantially the same statutory and constitutional questions
 10 as the case at bar regarding DHS’s authority to detain individuals under § 1225(b)(2)(A)
 11 who are not yet admitted and whose cases remain in pending removal proceedings.

12 For efficiency and consistency, Respondents adopt the Morales Rondon Response
 13 in full. As the Morales Rondon Response demonstrates, Petitioners lawful detention under
 14 § 1225(b)(2)(A) is mandatory by statute, not § 1226(a), and DHS’s custody determination
 15 therefore complies with statutory and constitutional requirements. Further, as the Morales
 16 Rondon Response demonstrates, the Court lacks jurisdiction to adjudicate this matter, and
 17 Petitioner’s request for attorneys’ fees cannot prevail.

18 B. A Growing Body of Well-Reasoned and Persuasive Authority Supports the 19 Federal Respondents’ Legal Positions

20 In addition to the arguments set forth in the Morales Rondon Response, the United
 21 States notes the following decisions that have found that, when the law is properly
 22 interpreted and applied, the law supports the Federal Respondents’ positions in the case at
 23 bar: *Pena v. Hyde*, No. 25-11983, 2025 WL 2108913 (D. Mass. July 28, 2025); *Chavez v.*
 24 *Noem*, No. 25-02325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Vargas Lopez v. Trump*,
 25 No. 25-526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025); *Barrios Sandoval v. Acuna*, No. 25-
 26 01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Silva Oliveira v. Patterson*, No. 25-01463,
 27 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Mejia Olalde v. Noem*, No. 25-00168, 2025 WL

28 ¹ The Court has endorsed the incorporation by reference of prior government filings in related or substantively identical immigration habeas petitions, recognizing the efficiency of unified briefing given the number of overlapping cases presenting identical questions under 8 U.S.C. § 1225(b)(2)(A) and § 1226(a).

1 3131942 (E.D. Mo. Nov. 10, 2025). As *Mejia Olalde* observes, “the overwhelming majority
2 of district courts sometimes get the law very wrong,” and the decisions cited here underscore
3 that this Court now has a meaningful opportunity to revisit its prior interpretation with the
4 benefit of a growing body of well-reasoned and persuasive authority.

5 **IV. CONCLUSION**

6 For the foregoing, the Federal Respondents request that the Petition be denied in its
7 entirety.

8 Respectfully submitted this 19th day of November 2025.

9
10 SIGAL CHATTAH
Acting United States Attorney

11 /s/ Christian R. Ruiz
12 CHRISTIAN R. RUIZ
13 Assistant United States Attorney
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