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

10 Humberto ACEVEDO REYES,
 11
 Petitioner,
 12 v.

Case No. 2:25-cv-02206-RFB-NJK

**Federal Respondents' Response to
 Petitioner's Petition for Writ of Habeas
 Corpus (ECF No. 2)**

13 Brian HENKEY, Field Office Director of
 Enforcement and Removal Operations, Salt
 14 Lake City Field Office, Immigration and
 Customs Enforcement; Michael
 15 BERNACKE, Acting Director of the Las
 Vegas U.S. Immigration and Customs
 16 Enforcement Field Sub-Office; Kristi
 NOEM, Secretary, U.S. Department of
 17 Homeland Security Pamela BONDI, U.S.
 Attorney General; Darin BALAAM, Sheriff,
 18 Washoe County Sheriff's Office,
 19 Respondents.

**ORAL ARGUMENTS NOT
 REQUESTED**

20 Federal Respondents hereby file their Response to Petitioner's Petition For Writ of
 21 Habeas Corpus (ECF No. 1) ("motion"). Petitioner is subject to mandatory detention
 22 pursuant to 8 U.S.C. § 1225(b)(2)(A). This response is supported by the following
 23 memorandum of points and authorities. The Federal Respondents are amenable to receiving
 24 a ruling on the papers and waive a hearing.
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I. Introduction

On October 19, 2025, Petitioner was arrested during a raid in Wilder, Idaho by Immigration and Customs Enforcement (ICE). ECF No. 1, ¶¶ 1, 43. Petitioner has been in immigration detention since on or about October 19, 2025. ECF No. 1, ¶ 16. Petitioner is currently detained at the Washoe County Jail in Reno, Nevada. ECF No. 1, ¶ 9. ICE charged Petitioner with being inadmissible under 8 U.S.C. 1182(a)(6)(A)(i) as someone who entered the United States without inspection and Department of Homeland Security (DHS) placed Petitioner in removal proceedings before the immigration court pursuant to 8 U.S.C. § 1229a. ECF No. 1, ¶ 44. Petitioner has been in the United States since 1997 and lives in the state of Idaho. ECF No. 1, ¶ 45. Under *Matter of Yajure Hurtado*, the immigration judge is unable to consider Petitioner’s bond request. ECF No. 1, ¶ 48. Petitioner is seeking a writ of habeas corpus requiring that he be released unless Respondents provide a bond hearing under § 1226(a) within seven days. ECF No. 1, ¶ 7.

II. Argument

A. Incorporation By Reference of United States’ Prior Response

Under the Court’s Order ECF No. 6, Federal Respondents hereby incorporate by reference the Federal Respondents’ Response to the Petition for Writ of Habeas Corpus in *Daniel Lucero Ortiz v. Bernacke et al*, No. 2:25-cv-01833-RFB-NJK (D. Nev. Oct. 10, 2025) (“Daniel Lucero Ortiz Response”) as ECF No. 7, as though fully set forth herein.¹ The Daniel Lucero Ortiz Response has been attached herein as Exhibit A. The Response addresses substantially the same statutory and constitutional questions as the case at bar

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 regarding DHS's authority to detain individuals under § 1225(b)(2)(A) who are not yet
2 admitted and whose cases remain in pending removal proceedings.

3 For efficiency and consistency, Respondents adopt the Daniel Lucero Ortiz
4 Response in full. As the Daniel Lucero Ortiz Response demonstrates, Petitioner's lawful
5 detention under § 1225(b)(2)(A) is mandatory by statute, not § 1226(a), and DHS's
6 custody determination therefore complies with statutory and constitutional requirements.
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8 **B. A Growing Body of Well-Reasoned and Persuasive Authority Supports the
9 Federal Respondents' Legal Positions**

10 In addition to the arguments set forth in the Daniel Lucero Ortiz Response, the
11 United States notes the following decisions that have found that, when the law is properly
12 interpreted and applied, the law supports the Federal Respondents' positions in the case at
13 bar: *Pena v. Hyde*, No. 25-11983, 2025 WL 2108913 (D. Mass. July 28, 2025); *Chavez v.*
14 *Noem*, No. 25-02325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Vargas Lopez v. Trump*,
15 No. 25-526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025); *Barrios Sandoval v. Acuna*, No. 25-
16 01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Silva Oliveira v. Patterson*, No. 25-
17 01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Mejia Olalde v. Noem*, No. 25-00168,
18 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025). As *Mejia Olalde* observes, "the
19 overwhelming majority of district courts sometimes get the law very wrong," and the
20 decisions cited here underscore that this Court now has a meaningful opportunity to
21 revisit its prior interpretation with the benefit of a growing body of well-reasoned and
22 persuasive authority.
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III. Conclusion

For the foregoing, the Federal Respondents request that the Petitioner's Petition for Writ of Habeas Corpus be denied in its entirety.

Respectfully submitted this 22nd day of November 2025.

SIGAL CHATTAH
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/s/ Tamer B. Botros
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