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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 RODAS, MOISES
10 Petitioner,
11 V.

12 KRISTI NOEM, Secretary of
13 the United States Department of Homeland
14 Security; PAM BONDI,
15 United States Attorney General;
16 TODD LYONS, Director of
17 United States Immigration and Customs
18 Enforcement; BRYAN WILCOX,
19 Field Office Director for Detention and
20 Removal, U.S. Immigration and Customs
21 Enforcement, Department of Homeland
22 Security; WARDEN, Henderson
23 Detention Center;
24 UNITED STATES DEPARTMENT OF
25 HOMELAND SECURITY; UNITED
26 STATES IMMIGRATION AND
27 CUSTOMS ENFORCEMENT;
28 Respondents

A  Detained

Case File No.:2:25-cv-02216-RFB-BNW

Immigration file No.:



**PETITIONER'S AMENDED
WRIT OF HABEAS
CORPUS**

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28
U.S.C. § 2241**

22 This is a petition for a writ of habeas corpus filed on behalf of Moises Rodas
23 ("Petitioner") seeking relief to remedy his unlawful detention. Respondents are
24 detaining Petitioner pending his deportation proceedings. Petitioner has fully
25 cooperated with Respondents for said proceedings. To date, Petitioner has been
26 detained for more than forty (40) days. Petitioner is not a flight risk or a danger to
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28

1 the community. His prolonged detention is no longer justified under the
2 Constitution or the Immigration and Nationality Act (INA).

3
4 Respondents placed Petitioner in the custody of the Henderson Detention Center.
5 Petitioner's detention is for the purpose of conducting his deportation proceedings.

6 On or about November 3, 2025, an Immigration Judge ("IJ") denied
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8 Petitioner bond, finding no jurisdiction under *Matter of Yajure Hurtado*, 29 I&N
9 Dec. 216 (BIA 2025). *See, Exhibit A*, Bond Order.

10 Respondents' actions defy the U.S. Constitution and the Immigration and
11
12 Nationality Act (INA). Petitioner seeks an order from this Court declaring his
13 continued and prolonged detention unlawful and ordering Respondents to release
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15 Petitioner from their custody with or without the posting of reasonable bond.

16 CUSTODY

17 1. Petitioner is in the physical custody of Respondents. At the time of the filing of
18
19 this petition, Petitioner is detained at the Henderson Detention Center ("HDC") in
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21 Henderson, NV. HDC contracts with the Department of Homeland Security to
22
23 detain aliens such as Petitioner. Petitioner is under the direct control of
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25 Respondents and their agents.

26 JURISDICTION

27 2. This action arises under the Constitution of the United States, the Immigration
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and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal
Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub.

1 L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241,
2 art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28
3 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the
4 United States and such custody is in violation of the U.S. Constitution, laws, or
5 treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. §
6 2241, and the All Writs Act, 28 U.S.C. § 1651.
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9 VENUE

10 3. Venue lies in the United States District Court for the District of Nevada, the
11 judicial district where Petitioner is detained. 28 U.S.C. § 1391(e).
12

13 PARTIES

14 4. Petitioner is a national and citizen of El Salvador.
15

16 5. Respondent KRISTI NOEM is the Secretary of the U.S. Department of
17 Homeland Security (“DHS”), an agency of the United States. She is responsible for
18 the administration of immigration laws pursuant to 8 U.S.C. § 1103(a). Secretary
19 Noem is a legal custodian of Mr. Rodas. She is named in her official capacity.
20 Respondent’s address is Department of Homeland Security, Washington, D.C.
21 20528.
22
23

24 6. Respondent Pam Bondi is the Attorney General of the United States and the
25 most senior official in the U.S. Department of Justice (“DOJ”). She has the
26 authority to interpret immigration laws and adjudicate removal cases. 8 U.S.C. §
27 1103(g). The Attorney General delegates this responsibility to the Executive Office
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1 for Immigration Review (“EOIR”), which administrates the immigration courts
2 and the BIA. She is named in her official capacity. Respondent’s address is 950
3 Pennsylvania Avenue, NW, Washington, D.C. 20520-0001.
4

5 7. Respondent TODD LYONS is the Director of the United States Immigration and
6 Customs Enforcement within the Department of Homeland Security, an agency of
7 the United States. He is responsible for the administration and enforcement of
8 immigration laws. He is named in his official capacity. Respondent’s address is
9 500 12th St. SW, Washington, D.C. 20536.
10

11 8. Respondent Bryan Wilcox is the Field Office Director for Detention and
12 Removal, U.S. Immigration Customs and Enforcement, Department of Homeland
13 Security. Pursuant to Respondent Wilcox’s orders, Mr. Rodas remains detained.
14 Respondent Wilcox is named in his official capacity. Respondent’s address is 2975
15 Decker Lane Dr, Suite 100, West Valley City, UT 84119.
16

17 9. Respondent Warden is Petitioner’s immediate custodian and resides in the
18 judicial jurisdiction of the Ninth Circuit of the United States Court of Appeals.
19 Warden is named in his official capacity.
20

21 10. The Department of Homeland Security (DHS) is a federal agency charged with
22 administering statutes and regulations governing immigration pursuant to 6 U.S.C.
23 §§ 111-115. Respondent’s address is Department of Homeland Security,
24 Washington, D.C. 20528.
25

26 11. The United States Immigration and Customs Enforcement is a federal sub-
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1 agency under DHS responsible for the administration and enforcement of the
2 United States' immigration laws pursuant to 22 C.F.R. 127.4. Respondent's field
3 office address here in Las Vegas is 501 S Las Vegas Blvd, Suite 200, Las Vegas,
4 NV 89101.
5

6 EXHAUSTION OF ADMINISTRATIVE REMEDIES

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8 12. Petitioner has exhausted his administrative remedies to the extent required by
9 law. Petitioner's only remedy is by way of this judicial action.

10 STATEMENT OF FACTS

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12 13. Petitioner is a national and citizen of El Salvador who entered the U.S.
13 sometime in 2001 without inspection and has resided continuously in the U.S. ever
14 since.

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16 14. Petitioner has now been in detention for more than forty (40) days pending his
17 deportation proceedings starting on September 26, 2025 when ICE officers
18 encountered Petitioner at the Clark County Detention Center, where Petitioner was
19 being detained following an arrest for a domestic violence charge, a case that is
20 still pending in Clark County, NV, taking Petitioner into custody without incident
21 pursuant to an administrative warrant issued under Section 236 of the INA.

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23 Petitioner is charged as removable under Sections 212(a)(6)(A)(i) of the INA.

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25 15. Petitioner is not a danger to the community or a flight risk.

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27 16. Petitioner has deep roots in this community.

28 17. Prior to his detention, Petitioner was working, paying his taxes, and providing

1 for his family. His continued detention deprives his family of his companionship
2 and income. Nonetheless, Immigration Judge Baker was unable to take these facts
3 into consideration at Petitioner's Bond Hearing on November 3, 2025, finding that
4 he lacked jurisdiction to grant bond pursuant to *Matter of Hurtado*. See, *Exhibit A*
5 Bond Order. No other arguments were considered because jurisdiction was treated
6 as a threshold question. Petitioner appealed this bond decision to the BIA on
7 November 5, 2025; to date, no appeal filing receipt has been issued by the BIA.
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10 18. Respondents' continued detention of Petitioner is contrary to the law.

11 CLAIMS FOR RELIEF

12 COUNT ONE CONSTITUTIONAL CLAIM

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14 19. Petitioner alleges and incorporates by reference paragraphs 1 through 18 above.

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16 20. Petitioners' detention violates his right to substantive and procedural due
17 process guaranteed by the Fifth Amendment to the U.S. Constitution. *Hope v.*
18 *Warden York City Prison*, 972 F.3d 310, 323-25 (3d Cir. 2020) (seeking release
19 due to unconstitutional conditions of confinement); *Yanes v. Martin*, 464 F. Supp.
20 3d 467, 468 n.1 (D.R.I. 2020); *Zepeda Rivas v. Jennings*, 465 F. Supp. 3d 1028,
21 1035-36 (N.D. Cal. 2020).
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24 COUNT TWO STATUTORY CLAIM

25
26 21. Petitioner alleges and incorporates by reference paragraphs 1 through 20 above.

27
28 22. Petitioner's continued detention violates the Immigration and Nationality Act

1 and the U.S. Constitution.

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COUNT THREE

5 23. If he prevails, Petitioner requests attorney's fees and costs under the Equal
6 Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

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PRAYER FOR RELIEF

9 WHEREFORE, Petitioner prays that this Court grant the following relief: 1.

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Assume jurisdiction over this matter; 2. Issue an order directing Respondents to show cause why the writ should not be granted; 3. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1226, and the Immigration and Nationality Act; 4. Issue a writ of habeas corpus ordering Respondents to release Mr. Rodas on parole under 8 USC §1226 (a)(2)(B) or, in the alternative, to provide Mr. Rodas a bond hearing under 8 USC §1226 (a)(2)(A), enjoining Respondents from applying *Matter of Hurtado*; 4. Award Petitioner reasonable costs and attorney's fees; and, 5. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

/s/ Jeremy Mondejar

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