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7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

9 NOLASCO-GOMEZ, DOMINGO  
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; John Mattos Warden,  
23 Nevada Southern 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-02217-RFB-DJA

Immigration file No.:



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

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

This is a petition for a writ of habeas corpus filed on behalf of Domingo Nolasco Gomez ("Petitioner") seeking relief to remedy his unlawful detention. Respondents are detaining Petitioner pending his deportation proceedings. Petitioner has fully cooperated with Respondents for said proceedings. To date, Petitioner has been detained for more than fourteen (14) days.

1 Petitioner is not a flight risk or a danger to the community. His prolonged  
2 detention is no longer justified under the Constitution or the Immigration and  
3 Nationality Act (INA).  
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5 Respondents placed Petitioner in the custody of the Nevada Southern Detention  
6 Center. Petitioner's detention is for the purpose of conducting his deportation  
7 proceedings.  
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9 On or about November 7, 2025, an Immigration Judge ("IJ") denied  
10 Petitioner bond, finding no jurisdiction under *Matter of Yajure Hurtado*, 29 I&N  
11 Dec. 216 (BIA 2025). *See, Exhibit A*, Bond Order.  
12

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

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20 1. Petitioner is in the physical custody of Respondents. At the time of the filing of  
21 this petition, Petitioner is detained at the Nevada Southern Detention Center  
22 ("NSDC") in Pahrump, NV. NSDC contracts with the Department of Homeland  
23 Security to detain aliens such as Petitioner. Petitioner is under the direct control of  
24 Respondents and their agents.  
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#### 26 JURISDICTION

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28 2. This action arises under the Constitution of the United States, the Immigration

1 and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal  
2 Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub.  
3 L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241,  
4 art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28  
5 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the  
6 United States and such custody is in violation of the U.S. Constitution, laws, or  
7 treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. §  
8 2241, and the All Writs Act, 28 U.S.C. § 1651.

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VENUE

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

PARTIES

4. Petitioner is a national and citizen of Mexico.

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

6. Respondent Pam Bondi is the Attorney General of the United States and the  
most senior official in the U.S. Department of Justice (“DOJ”). She has the

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

7  
8 7. Respondent TODD LYONS is the Director of the United States Immigration and  
9 Customs Enforcement within the Department of Homeland Security, an agency of  
10 the United States. He is responsible for the administration and enforcement of  
11 immigration laws. He is named in his official capacity. Respondent’s address is  
12 500 12th St. SW, Washington, D.C. 20536.  
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15 8. Respondent Bryan Wilcox is the Field Office Director for Detention and  
16 Removal, U.S. Immigration Customs and Enforcement, Department of Homeland  
17 Security. Pursuant to Respondent Wilcox’s orders, Mr. Nolasco remains detained.  
18 Respondent Wilcox is named in his official capacity. Respondent’s address is 2975  
19 Decker Lane Dr, Suite 100, West Valley City, UT 84119.  
20

21 9. Respondent Warden is Petitioner’s immediate custodian and resides in the  
22 judicial jurisdiction of the Ninth Circuit of the United States Court of Appeals.  
23 Warden is named in his official capacity.  
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25 10. The Department of Homeland Security (DHS) is a federal agency charged with  
26 administering statutes and regulations governing immigration pursuant to 6 U.S.C.  
27 §§ 111-115. Respondent’s address is Department of Homeland Security,  
28

1 Washington, D.C. 20528.

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

10 12. Petitioner has exhausted his administrative remedies to the extent required by  
11 law. Petitioner's only remedy is by way of this judicial action.  
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13 STATEMENT OF FACTS

14 13. Petitioner is a national and citizen of Mexico who entered the U.S. sometime in  
15 2002 without inspection and has resided continuously in the U.S. ever since.  
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17 14. Petitioner has now been in detention for more than fourteen (14) days pending  
18 his deportation proceedings starting on October 26, 2025 when ICE officers  
19 encountered Petitioner at the Clark County Detention Center, where Petitioner was  
20 being detained after a DUI arrest, a case that is still pending in Clark County, NV,  
21 taking Petitioner into custody without incident pursuant to an administrative  
22 warrant issued under Section 236 of the INA. Petitioner is charged as removable  
23 under Sections 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) of the INA.  
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26 15. Petitioner is not a danger to the community or a flight risk.  
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28 16. Petitioner has deep roots in this community.

1 17. Prior to his detention, Petitioner was working, paying his taxes, and providing  
2 for his family. His continued detention deprives his family of his companionship  
3 and income. Nonetheless, Immigration Judge Baker was unable to take these facts  
4 into consideration at Petitioner's Bond Hearing on November 6, 2025, finding that  
5 he lacked jurisdiction to grant bond pursuant to *Matter of Hurtado*. See, *Exhibit A*  
6 Bond Order. No other arguments were considered because jurisdiction was treated  
7 as a threshold question. Respondent appealed this bond decision to the BIA on  
8 November 7, 2025; to date, the BIA has not issued a filing receipt for said appeal.

9 18. Respondents' continued detention of Petitioner is contrary to the law.

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13 CLAIMS FOR RELIEF

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15 COUNT ONE CONSTITUTIONAL CLAIM

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

17 20. Petitioner's detention violates his right to substantive and procedural due  
18 process guaranteed by the Fifth Amendment to the U.S. Constitution. *Hope v.*  
19 *Warden York City Prison*, 972 F.3d 310, 323-25 (3d Cir. 2020) (seeking release  
20 due to unconstitutional conditions of confinement); *Yanes v. Martin*, 464 F. Supp.  
21 3d 467, 468 n.1 (D.R.I. 2020); *Zepeda Rivas v. Jennings*, 465 F. Supp. 3d 1028,  
22 1035-36 (N.D. Cal. 2020).  
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27 COUNT TWO STATUTORY CLAIM

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

1 22. Petitioner's continued detention violates the Immigration and Nationality Act  
2 and the U.S. Constitution.  
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4  
5 COUNT THREE

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

10 WHEREFORE, Petitioner prays that this Court grant the following relief: 1.  
11 Assume jurisdiction over this matter; 2. Issue an order directing Respondents to  
12 show cause why the writ should not be granted; 3. Declare that Petitioner's  
13 detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. §  
14 1226, and the Immigration and Nationality Act; 4. Issue a writ of habeas corpus  
15 ordering Respondents to release Mr. Nolasco on parole under 8 USC §1226  
16 (a)(2)(B) or, in the alternative, to provide Mr. Nolasco a bond hearing under 8 USC  
17 §1226 (a)(2)(A), enjoining Respondents from applying *Matter of Hurtado*; 4.  
18 Award Petitioner reasonable costs and attorney's fees; and, 5. Grant any other  
19 relief which this Court deems just and proper.  
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24 Respectfully submitted,

/s/ Jeremy Mondejar

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VERIFICATION OF COUNSEL

I, Jeremy Mondejar, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/ Jeremy Mondejar

Jeremy Mondejar