

Jeremy Mondejar, ESQ.
NV Bar 11213
2885 E Charleston BLVD, Suite 103
Las Vegas, NV 89104
Telephone: (702) 816-6611
Attorney for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RAMIREZ-CONTRERAS, FILOGONIO

Petitioner,

V.

KRISTI NOEM, Secretary of
the United States Department of Homeland
Security; PAM BONDI,
United States Attorney General;
TODD LYONS, Director of
United States Immigration and Customs
Enforcement; BRYAN WILCOX,
Field Office Director for Detention and
Removal, U.S. Immigration and Customs
Enforcement, Department of Homeland
Security; John Mattos Warden,
Nevada Southern Detention Center;
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; UNITED
STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT;

Respondents

A  Detained

Case File No.: 2:25-cv-02218-RFB-EJY

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 Filogonio Ramirez Contreras ("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 forty (40) 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).
4

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.
8

9 On or about November 6, 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). The IJ did not issue a written 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.
17

18 CUSTODY

19
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.
25

26 JURISDICTION

27
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.

11 VENUE

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

16 PARTIES

17 4. Petitioner is a national and citizen of Mexico.

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

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
27
28

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.
13

14
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. Ramirez 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.
24

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.
7
8

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.
12

13 STATEMENT OF FACTS

14 13. Petitioner is a national and citizen of Mexico who entered the U.S. sometime in
15 2003 without inspection and has resided continuously in the U.S. ever since.
16

17 14. Petitioner has now been in detention for more than forty (40) days pending his
18 deportation proceedings starting on September 23, 2025 when ICE officers
19 encountered Petitioner in Las Vegas, NV during a targeted search, despite
20 Petitioner having no criminal record, taking Petitioner into custody without
21 incident pursuant to an administrative warrant issued under Section 236 of the
22 INA. Petitioner is charged as removable under Sections 212(a)(6)(A)(i) of the INA.
23

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

26 16. Petitioner has deep roots in this community.
27

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 6, 2025, finding that
 4 he lacked jurisdiction to grant bond pursuant to *Matter of Hurtado*. No other
 5 arguments were considered because jurisdiction was treated as a threshold
 6 question. Respondent appealed this bond decision to the BIA on November 7, 2025;
 7 to date, the BIA has not issued a filing receipt for said appeal.

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

12 CLAIMS FOR RELIEF

13 COUNT ONE CONSTITUTIONAL CLAIM

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

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

25 COUNT TWO STATUTORY CLAIM

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

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

1 8 USC §1226, and the U.S. Constitution.

2
3
4 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.

7
8 PRAYER FOR RELIEF

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

19
20
21
22 Respectfully submitted,

23
24
25 _____
26 Jeremy Mondejar, ESQ.
27 NV Bar 11213
28 2885 E Charleston BLVD, Suite 103
Las Vegas, NV 89104
Telephone: (702) 816-6611
Attorney for Petitioner

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.

Jeremy Mondejar