

1 TODD BLANCHE
 Deputy Attorney General of the United States
 2 SIGAL CHATTAH
 First Assistant United States Attorney
 3 District of Nevada
 Nevada Bar Number 8264
 4 TAMER B. BOTROS
 Assistant United States Attorney
 5 Nevada Bar No. 12183
 501 Las Vegas Blvd. So., Suite 1100
 6 Las Vegas, Nevada 89101
 Phone: (702) 388-6336
 7 Fax: (702) 388-6787
Tamer.Botros@usdoj.gov
 8 *Attorneys for the Federal Respondents*

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

10 MANUEL PILAR TORRES,

11 Petitioners,

12 v.

13 KRISTI NOEM, Acting Secretary of the
 United States Department of Homeland
 14 Security; PAMELA BONDI, Attorney
 General of the United States; JASON
 15 KNIGHT, Salt Lake City Acting Field
 Office Director, Enforcement and Removal
 16 Operations, U.S. Immigration & Customs
 Enforcement; JOHN MATTOS, Warden at
 17 Southern Nevada Detention Center,

18 Respondents.

Case No. 2:25-cv-02270-RFB-EJY

**Federal Respondents' Response to
 Petitioner's Emergency Motion for
 Temporary Restraining Order (ECF
 No. 2)**

19 Federal Respondents hereby file their response in Opposition to Petitioner Manuel
 20 Pilar Torres' Emergency Motion for Temporary Restraining Order (ECF No. 2) ("motion").
 21 Petitioner's motion should be denied because he has failed to demonstrate that he is entitled
 22 to a preliminary injunction. In addition, Petitioner is subject to mandatory detention
 23 pursuant to 8 U.S.C. § 1225(b)(2). This response is supported by the following
 24 memorandum of points and authorities.
 25

26 **I. Introduction**

27 Petitioner was arrested on October 28, 2025, by the North Las Vegas Police
 28 Department regarding a domestic dispute. Petitioner is a citizen of Mexico and entered the

1 United States without inspection on or about 2005. On October 29, 2025, Petitioner was
2 detained by Immigration and Customs Enforcement (“ICE”) on a warrant. DHS also served
3 Petitioner with a Notice to Appear, initiating removal proceedings under INA § 240; 8 U.S.C.
4 § 1229a. On November 7, 2025, Petitioner filed a bond motion. On November 13, 2025, an
5 Immigration Judge (“IJ”) held he did not have jurisdiction to have a custody redetermination
6 hearing pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 225 (BIA 2025) holding that
7 “immigration judges lack authority to hear bond requests or to grant bond to aliens ... who
8 are present in the United States without admission.” Petitioner is seeking a temporary
9 restraining order directing the Respondents to provide him with a bond hearing within seven
10 (7) days and to enjoin the government from denying bond on the ground that he is detained
11 under § 1225(b)(2).
12

14 II. Argument

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

16 Pursuant to the Court’s Order ECF No. 8, Federal Respondents hereby incorporate
17 by reference the Federal Respondents’ Response to the Petition for Writ of Habeas Corpus
18 in *Daniel Lucero Ortiz v. Bernacke et al*, No. 2:25-cv-01833-RFB-NJK (D. Nev. Oct. 10, 2025)
19 (“Daniel Lucero Ortiz Response”) as ECF No. 7, as though fully set forth herein.¹ The
20 Daniel Lucero Ortiz Response has been attached herein as Exhibit A. The Response
21 addresses substantially the same statutory and constitutional questions as the case at bar
22 regarding DHS’s authority to detain individuals under § 1225(b)(2)(A) who are not yet
23 admitted and whose cases remain in pending removal proceedings.

24 For efficiency and consistency, Respondents adopt the Daniel Lucero Ortiz
25 Response in full. As the Daniel Lucero Ortiz Response demonstrates, Petitioner’s lawful
26

27 ¹ The Court has endorsed the incorporation by reference of prior government filings in related or substantively
28 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 detention under § 1225(b)(2)(A) is mandatory by statute, not § 1226(a), and DHS's custody
2 determination therefore complies with statutory and constitutional requirements.

3 **B. A Growing Body of Well-Reasoned and Persuasive Authority Supports the**
4 **Federal Respondents' Legal Positions**

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

16 **III. Conclusion**

17 For the foregoing, the Federal Respondents request that Petitioner's Emergency
18 Motion for Temporary Restraining Order be denied in its entirety.

19 Respectfully submitted this 21st day of November 2025.

20 SIGAL CHATTAH
21 First Assistant United States Attorney

22 /s/ Tamer B. Botros
23 TAMER B. BOTROS
24 Assistant United States Attorney
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