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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 Petition For a Writ of  
 Habeas Corpus Pursuant to 28 U.S.C. §  
 2241 (ECF No. 1)**

**NO ORAL ARGUMENTS  
 REQUESTED**

19  
 20 Federal Respondents hereby file their response to Petitioner's Petition For Writ of  
 21 Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 1) ("Petition"). Petitioner's Petition  
 22 should be denied because he is subject to mandatory detention pursuant to 8 U.S.C. §  
 23 1225(b)(2). This response is supported by the following memorandum of points and  
 24 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. See Form I-213 and the Notice to Appear relevant to Petitioner’s arrest, detention  
5 and removal proceedings attached hereto as Exhibit A. On November 7, 2025, Petitioner filed  
6 a bond motion. On November 13, 2025, an Immigration Judge (“IJ”) held he did not have  
7 jurisdiction to have a custody redetermination hearing pursuant to *Matter of Yajure Hurtado*, 29  
8 I&N Dec. 216, 225 (BIA 2025) holding that “immigration judges lack authority to hear bond  
9 requests or to grant bond to aliens ... who are present in the United States without  
10 admission.” On December 8, 2025, the Order Granting Preliminary Injunction was filed. See  
11 ECF No. 13. On December 11, 2025, a bond hearing was conducted, and Petitioner was  
12 granted bond in the amount of \$2,500. Petitioner has been released from ICE custody. See  
13 ECF No. 14.

## 16 II. Argument

### 17 A. Incorporation By Reference of United States’ Prior Response

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

26 / / /

27 \_\_\_\_\_  
28 <sup>1</sup> 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 For efficiency and consistency, Respondents adopt the Daniel Lucero Ortiz  
2 Response in full. As the Daniel Lucero Ortiz Response demonstrates, Petitioner’s lawful  
3 detention under § 1225(b)(2)(A) is mandatory by statute, not § 1226(a), and DHS’s custody  
4 determination therefore complies with statutory and constitutional requirements.

5 **B. A Growing Body of Well-Reasoned and Persuasive Authority Supports the  
6 Federal Respondents’ Legal Positions**

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

18 **III. Conclusion**

19 For the foregoing, the Federal Respondents request that Petitioner’s Petition should  
20 be denied in its entirety.

21 Respectfully submitted this 20th day of January 2026.

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