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11 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA (Las Vegas)

13 **ALEXIS ENRIQUE SILVA HERNANDEZ**

14 *Petitioner,*

15 v.

16 **KRISTI NOEM; U.S. DEPARTMENT OF**
HOMELAND SECURITY; PAMELA J.
 17 **BONDI; U.S. DEPARTMENT OF**
JUSTICE; TODD LYONS; JASON
 18 **KNIGHT; U.S. IMMIGRATION AND**
CUSTOMS ENFORCEMENT; and JOHN
 19 **MATTOS,**

20 *Respondents.*

Case No.: 2:25-cv-02304-RFB-EJY

REPLY IN SUPPORT
OF MOTION FOR TEMPORARY
RESTRAINING ORDER

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INTRODUCTION

Petitioner files this Reply in Support of his Motion for Temporary Restraining Order (or preliminary injunction) and in response to Federal Respondents' Opposition to Petitioner's Motion, ECF No. 9, filed on November 25, 2025.

Petitioner learned via Respondent's Opposition that on November 19, the same day this Petition and the Motion for a TRO were filed, the Board of Immigration Appeals ("BIA") issued a decision on the Immigration Judge's bond order. ECF No. 9-1 at 2. The BIA's decision is based entirely on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *Id.* This new development simplifies the issues presented here, but does not change the result. In short, the auto-stay question is now moot. Instead, the only reason Petitioner remains detained is Respondents' errant interpretation of 8 U.S.C. § 1225(b)(2)(A) and the BIA decision in *Matter of Hurtado*.

This Court is familiar with these legal questions and has ruled on them in numerous cases. *See Jacobo Ramirez v. Noem*, No. 2:25-CV-02136-RFB-MDC, ECF No. 34 at 1-2 FN 1 (collecting D. Nev. cases). In addition, there is as of yesterday a nationwide class action order requiring Petitioner's release.

Petitioner asks the court to immediately remedy his detention by ordering his relief subject to the bond conditions set by the Immigration Judge on August 14, 2025. ECF 2-1 at 005-006.

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ARGUMENT

A. This Court Has Already rejected *Matter of Hurtado* and Respondents' Incorrect Interpretation of Section 1225

1 This Court, along with “overwhelming majority of district courts across the country,”
2 has found that the government’s new statutory interpretation of the 8 U.S.C. § 1225(b)(2)(A)
3 “incorrect and unlawful.” *Jacobo Ramirez v. Noem*, No. 2:25-CV-02136-RFB-MDC, ECF No.
4 34 at 2 (D. Nev. Nov. 24, 2025). The number of decisions reaching this conclusion is now almost
5 too numerous to cite. *See, e.g., Sanchez Roman v. Noem*, No. 2:25-CV-01684-RFB-EJY, 2025
6 WL 2710211 (D. Nev. Sept. 23, 2025); *Maldonado Vazquez v. Feeley*, No. 2:25-CV-01542-
7 RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025).

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9 **B. Petitioner is covered by the *Maldonado Bautista* class**

10 Yesterday, the Central District of California certified a nationwide class and declared
11 Respondents’ detention policies regarding § 1225(b) unlawful. *See Maldonado Bautista v.*
12 *Santacruz*, Case No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025) ECF No. 82 (order
13 granting class certification) and ECF No. 81 (order granting partial summary judgment).
14 Petitioner is included in this class. *See Id.* ECF No. 82 at 2 (“Bond Eligible Class”). This is an
15 additional reason why Petitioner’s time in immigration detention must be brought to an
16 immediate end.

17 **CONCLUSION**

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19 For these reasons, this Court should order Petitioner’s immediate release subject to the
20 conditions set by Immigration Judge Baker on August 14, 2025.

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1 DATED this 26th day of November, 2025.

2 Respectfully Submitted,
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9 /s/Yilu Song
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