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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF NEVADA**

12 Roberto JUAREZ FERNANDEZ,
13 *Petitioner,*

14 v.

15 Jason KNIGHT, Field Office Director, Salt
16 Lake City Field Office, U.S. Immigration and
Custom Enforcement, Enforcement and
Removal Operations Division;

17 John MATTOS, Warden, Nevada Southern
18 Detention Center;

19 Kristi NOEM, Secretary, United States
Department of Homeland Security;

20 Pamela BONDI, Attorney General of the United
21 States,

22 *Respondents.*

Case No. 2:25-cv-02341-RFB-DJA

**PETITIONER'S TRAVERSE IN
SUPPORT WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C.
§ 2241**

Judge Richard Boulware

23

INTRODUCTION

Petitioner, Roberto Juarez Fernandez (Mr. Juarez Fernandez) files the present traverse in support of his Petition for a Writ of Habeas Corpus, 28 U.S.C. § 2241, challenging his unlawful detention by Respondents. Today, an Immigration Judge held a bond redetermination hearing for Mr. Juarez Fernandez based on the class certification in *Maldonado Bautista ex al v. Ernesto Santacruz*, 5:25-cv-01873-SSS-BFM (U.S. Dist. Ct. Cen. D. CAL., 11/20/2025). *See* Exh. 9, Order of the Immigration Judge, p. 1 (December 3, 2025). The Immigration Judge found that Mr. Juarez Fernandez is neither a danger to the community nor a flight risk. *Id.* The Department of Homeland Security (DHS) reserved appeal. *Id.* at p. 2. As such, Mr. Juarez Fernandez continues to be in the custody of Respondents at the Nevada Southern Detention Center in Pahrump, Nevada.

Mr. Juarez Fernandez' unjustified, unlawful, and punitive civil detention, which has reached 45 days as of the time of this writing puts his life at risk. His continued detention only harms the safety and wellbeing of himself, his U.S. Citizen family, and his community. Despite this Court's instruction to Respondents to offer new arguments that have not already been addressed by this Court, (Dkt. 4, pp. 1-2) Respondents filed an untimely response under an interpretation of the immigration statute that this Court and other courts around the country have overwhelmingly rejected¹. Respondents have offered no new arguments to defend Mr. Juarez

¹ This Court has already granted petitioners relief in over a dozen similar challenges. *See, e.g.,* Herrera v. Knight, No. 2:25-CV-01366-RFB-DJA, 2025 WL 2581792 (D. Nev. Sept. 5, 2025); Vazquez v. Feeley, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); Roman v. Noem, No. 2:25-CV-01684-RFB-EJY, 2025 WL 2710211 (D. Nev. Sept. 23, 2025); Carlos v. Noem, No. 2:25-CV-01900-RFB-EJY, 2025 WL 2896156 (D. Nev. Oct. 10, 2025); E.C. v. Noem, No. 2:25-CV-01789-RFB-BNW, 2025 WL 2916264 (D. Nev. Oct. 14, 2025); Perez Sanchez v. Bernacke, No. 2:25-CV-01921-RFB-MDC (D. Nev. Oct. 17, 2025); Aparicio v. Noem, No. 2:25-CV-01919-RFB-DJA, 2025 WL 2998098 (D. Nev. Oct. 23, 2025); Dominguez-Lara v. Noem, No. 2:25-CV-01553-RFB-EJY, 2025 WL 2998094 (D. Nev. Oct. 24, 2025); Bautista-Avalos v. Bernacke, 2:25-CV-01987-RFB-BNW (D. Nev. Oct 27, 2025); Arce-Cervera v. Noem, No. 2:25-CV-01895-RFB-NJK, 2025 WL 3017866 (D. Nev. Oct. 28, 2025); Alvarado Gonzalez v. Mattos, No. 2:25-CV-01599-RFB-NJK (D. Nev. Oct. 30, 2025); Rodriguez Cabrera v. Mattos, No. 2:25-CV-01551-RFB-EJY, 2025 WL 3072687 (D. Nev. Nov. 3, 2025); Berto Mendez v. Noem, No. 2:25-cv-02602-RFB-MDC (D. Nev. Nov. 7, 2025); among others.

1 Fernandez’s unjustified detention; the arguments they raise in their Return, Dkt. 11, have been
2 considered and rejected by this Court. Because Respondents cannot “show cause why the writ
3 should not be granted,” Mr. Juarez Fernandez asks that the Court “forthwith award the writ,” 28
4 U.S.C. § 2243, and order his immediate release from Respondents’ custody or in the alternative
5 allow for release on the immigration bond granted today by the Immigration Judge.

6 ARGUMENT

7 I. Respondents Fail to Justify Mr. Juarez Fernandez’s Detention Under 8 U.S.C. § 8 1225(b)(2)

9 Respondents essentially recycle arguments already rejected by this Court and courts around
10 the country in purportedly justifying Mr. Juarez Fernandez’s continued detention. Contrary to
11 Respondents’ argument, 8 U.S.C. § 1225(b)(2) does not plainly authorize the mandatory detention
12 of individuals in Mr. Juarez Fernandez’s posture, who have effectuated an entry into the United
13 States and have resided in the U.S. for years. *See e.g., Maldonado Vazquez v. Feeley*, No. 25-cv-
14 1542, 2025 WL 2676082, at *13 (D. Nev. Sept. 17, 2025); *see also Escobar Salgado v. Mattos*,
15 No. 25-cv-01872-RFB-EJY, 2025 WL 3205356 (D. Nev. Nov. 17, 2025). Respondents’ reliance
16 on *Jennings v. Rodriguez* for the principle that any noncitizen who enters without admission is an
17 “applicant for admission” and thus subject to detention until whenever removal proceedings end
18 is misplaced. Dkt. 11. *Jennings* examined section 1226 and stated it as “generally governing the
19 process of arresting and detaining . . . [noncitizens] already in the country pending the outcome of
20 removal proceedings,” including noncitizens who are “present in the country” despite being
21 “inadmissible at the time of entry.” *Jennings v. Rodriguez*, 583 U.S. 281, 288-89 (2018). “[O]nce
22 inside the United States . . . the default rule” is set forth in § 1226. *Id.* at 288 (quoting § 1226(a)).

23 Additionally, other courts including this one have concluded that the decision issued by the
Board of Immigration Appeals (BIA) in *Matter of Yajure Hurtado*, is erroneous in its plain reading

1 of § 1225(b)(2) as it otherwise fails to correctly apply principles of statutory construction,
2 including invoking a faithful reading of the legislative history. *Maldonado Vazquez*, 2025 WL
3 2676082, at *12.

4 Last, Mr. Juarez Fernandez requests that this court enforce his rights as a member of the
5 class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.).
6 On November 25, 2025, the district court certified a nationwide class and extended declaratory
7 judgment to the certified class in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-
8 BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting
9 partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No.
10 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25,
11 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class,
12 incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for
13 Partial Summary Judgment).

14 It is without question that Mr. Juarez Fernandez has a liberty interest in his freedom.
15 *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1207 (9th Cir. 2022) (internal quotations omitted). The
16 question is not whether detention is finite and will someday end, but rather, whether it is justified.
17 An immigration judge found that the twin justifications of immigration detention – danger to the
18 community and flight risk – are not implicated in Mr. Juarez Fernandez's case. But for
19 Respondents' incorrect application of § 1225(b)(2), Mr. Juarez Fernandez would be at liberty
20 today.

21 CONCLUSION

22 Here, Respondents' position is not reasonable, both at the agency level and in litigation. The
23 BIA's precedential decision in *Matter of Yajure Hurtado* ignores the plain language of the statute,

1 canons of statutory constructions, and decades of well-settled agency precedent and practice,
2 constituting a concerted attempt to justify the detention of large numbers of individuals like Mr.
3 Juarez Fernandez, who have resided in the United States for years. Further, the judgment in
4 *Maldonado Bautista*, binds the Respondents as it has the full “force and effect of a final judgment.”
5 28 U.S.C. § 2201(a). Respondents continue to rely on *Yajure Hurtado* to detain Mr. Juarez
6 Fernandez. Despite scores of decisions to the contrary, they continue to use the same circular and
7 farcical logic used in *Yajure Hurtado*. Their response demonstrates material deficiency towards
8 this Court’s order. Respondents ask for an extension, do not receive one, and file on their own
9 timeline in any case.

10 They are not moved by any fact-specific element in this or any other case before this or any
11 other court. They paint by a broad brush and have determined that any and all immigrants in this
12 country are dangerous criminals, leaving a wake of suffering and destruction behind them.
13 Notwithstanding the fact that declaratory judgment has been issued to the nationwide class and an
14 Immigration Judge has granted him a bond after finding that he is neither a danger to the
15 community nor a flight risk, he still remains unlawfully and unrightfully detained. Accordingly,
16 we ask this Court to enter Orders releasing him from Custody according to the orders of the
17 Immigration Judge entered today.

18 Dated: December 3, 2025

Respectfully submitted,

19 /s/ Nallely Abad

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