

1 Karen S. Monrreal  
2 Law Offices of Karen S. Monrreal  
3 601 S. Arlington Ave.  
4 Reno, NV 89509  
5 karen@monrrealaw.com  
6 775.826.2380 o  
7 775.826.2386 f

8 *Attorney for Petitioner-Plaintiff*

9 UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF NEVADA

11 Antony REYES-LOPEZ,

12 Petitioner-Plaintiff,

13 v.

14 Kristi NOEM, in her Official Capacity, Secretary,  
15 U.S. Department of Homeland Security;

16 Pam BONDI, in her Official Capacity, Attorney  
17 General of the United States;

18 Todd M. LYONS, Acting Director, Immigration and  
19 Customs Enforcement, U.S. Department of Homeland  
20 Security;

21 Jason KNIGHT, Salt Lake City Field Office Director  
22 for Detention and Removal, U.S. Immigration and  
23 Customs Enforcement, Department of Homeland  
24 Security; and

25 John MATTOS, Warden, Nevada Southern Detention  
26 Center.

27 Respondents-Defendants.  
28

Case No. 3:25-cv-00697-ART-  
CSD

Agency No.



**REPLY IN SUPPORT OF  
PETITION FOR WRIT OF  
HABEAS CORPUS**

1 I. **INTRODUCTION**

2 Respondents' opposition is not a factual defense of Petitioner's detention. The Government  
3 does not dispute that Petitioner satisfies the class definition certified in *Maldonado Bautista v.*  
4 *Santacruz*, nor does it contend that Petitioner is subject to mandatory detention under 8 U.S.C. §  
5 1226(c), expedited removal under § 1225(b)(1), or post-order detention under § 1231. Instead,  
6 Respondents argue that this Court must ignore the Central District of California's judgment  
7 altogether. That position misstates the law governing declaratory judgments, finality, exhaustion,  
8 and habeas review, and it cannot justify Petitioner's continued detention.  
9

10 II. **ARGUMENT**

11 a. **The *Maldonado Bautista* Judgment Is Final, Operative, and May Be**  
12 **Considered by This Court**  
13

14 Respondents argue that this Court must disregard *Maldonado Bautista* because the judgment  
15 is on appeal. That argument is inconsistent with settled law. The pendency of an appeal does not  
16 itself suspend the legal effect or enforceability of a federal judgment absent a stay. *Nken v.*  
17 *Holder*, 556 U.S. 418, 428–29 (2009). A stay pending appeal is an extraordinary remedy, and  
18 without such relief, a judgment remains operative. *Id.* at 433–34. The Ninth Circuit has  
19 repeatedly confirmed that the filing of a notice of appeal does not automatically stay enforcement  
20 or effect of a judgment. *Natural Res. Def. Council v. Southwest Marine, Inc.*, 242 F.3d 1163,  
21 1166 (9th Cir. 2001); *Hoffman v. Beer Drivers & Salesmen's Local Union No. 888*, 536 F.2d  
22 1268, 1276 (9th Cir. 1976). Respondents do not assert that a stay has been entered in *Maldonado*  
23 *Bautista* nor is Petitioner aware of a stay having been entered in that matter.  
24

25 Accordingly, its judgment remains operative and may properly be considered by this Court.  
26

27 Additionally, the Central District of California issued declaratory relief under 28 U.S.C. §  
28

1 2201(a), not writs of habeas corpus ordering release. Declaratory relief resolves legal rights and  
2 obligations; it does not compel physical release and therefore does not implicate the immediate-  
3 custodian or district-of-confinement rules applicable to habeas writs. *Rumsfeld v. Padilla*, 542  
4 U.S. 426 (2004), governs where a writ of habeas corpus may issue and whom it must name. It  
5 does not prohibit federal courts from issuing declaratory judgments interpreting federal statutes  
6 or adjudicating the legality of nationwide agency policies. Respondents' effort to recharacterize  
7 declaratory relief as impermissible habeas relief finds no support in *Padilla* or any other  
8 Supreme Court precedent.  
9

10 **b. Respondents' Preclusion and Jurisdiction Arguments Do Not Bar Relief**

11 Respondents rely heavily on *Calderon v. Ashmus*, 523 U.S. 740 (1998), and *United States*  
12 *v. Mendoza*, 464 U.S. 154 (1984), but neither case supports their position. *Calderon* involved an  
13 attempt to obtain an advisory declaratory ruling untethered to any concrete detention. Here,  
14 *Maldonado Bautista* resolved a live controversy concerning an active detention policy applied to  
15 a certified class. The declaratory judgment was not advisory; it adjudicated the legality of the  
16 Government's application of § 1225(b)(2) to interior-apprehended noncitizens.  
17

18 *Mendoza* addressed nonmutual offensive collateral estoppel asserted by a party who was  
19 not involved in prior litigation against the Government. This case does not involve nonmutual  
20 estoppel. The Government was a party to *Maldonado Bautista*, litigated the statutory question on  
21 the merits, and lost. Petitioner is a member of the certified class whose rights were adjudicated in  
22 that action. Enforcing a judgment against the same defendants for the benefit of a class member  
23 does not implicate the policy concerns identified in *Mendoza*.  
24

25 Respondents' broader assertion that preclusion principles "do not apply" in habeas  
26 proceedings overstates the holdings of the cases they cite. Decisions such as *Sanders v. United*  
27  
28

1 *States*, 373 U.S. 1 (1963), recognize that prior denials of habeas relief do not automatically bar  
2 subsequent petitions, particularly where new facts or legal developments arise. They do not  
3 authorize the Government to relitigate settled legal questions indefinitely or permit courts to  
4 ignore binding statutory interpretations when adjudicating habeas petitions.

5  
6 **c. Administrative Exhaustion Is Prudential and Futile Under the Government's**  
7 **Own Theory**

8 Exhaustion of administrative remedies in immigration habeas cases is prudential, not  
9 jurisdictional, and may be excused where administrative relief would be futile. *Hernandez v.*  
10 *Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). Futility exists where the agency has adopted a fixed  
11 policy or binding precedent that forecloses relief. *El Rescate Legal Servs., Inc. v. EOIR*, 959 F.2d  
12 742, 747 (9th Cir. 1992). Respondents themselves maintain that Immigration Judges are bound  
13 by *Matter of Yajure-Hurtado* and therefore lack authority to grant bond hearings to individuals  
14 charged under § 1182(a)(6)(A)(i). Under those circumstances, requiring Petitioner to pursue  
15 further administrative proceedings would serve no purpose and would merely prolong detention  
16 without any realistic prospect of relief.  
17

18  
19 **d. Detention Under § 1225(b)(2) Is Unlawful Even Apart from *Bautista***

20 Even if this Court were to set aside the effect of *Maldonado Bautista*, Respondents have not  
21 demonstrated that § 1225(b)(2) lawfully governs Petitioner's detention. Section 1225(b) applies  
22 to applicants for admission, including those apprehended at or near the border. Noncitizens  
23 apprehended in the interior and placed in removal proceedings are generally detained, if at all,  
24 under § 1226. The Supreme Court has recognized that § 1226 governs detention pending  
25 removal proceedings for individuals not subject to the mandatory provisions of § 1226(c).  
26 *Jennings v. Rodriguez*, 583 U.S. 131, 136–37 (2018). Respondents do not contend that Petitioner  
27  
28

1 falls within any mandatory detention category, and the statute does not authorize bond-ineligible  
2 detention in these circumstances.

3 Finally, habeas relief must be addressed expeditiously. Under 28 U.S.C. § 2243, courts are  
4 directed to act “forthwith” on habeas petitions. Courts may not defer relief indefinitely while  
5 awaiting the outcome of parallel litigation elsewhere. Respondents’ request that this Court  
6 withhold relief pending appellate review of *Maldonado Bautista* is inconsistent with the statutory  
7 command and with the historic role of habeas corpus as a prompt remedy for unlawful detention.  
8

9 **III. NOTICE OF SUBSEQUENT BOND HEARING AND CONTINUED UNLAWFUL**  
10 **DETENTION**

11 Petitioner respectfully notifies the Court of a material post-filing development directly  
12 relevant to the issues presented in this habeas action.

13 On today’s date, Petitioner appeared for a subsequent custody redetermination hearing before  
14 Immigration Judge Daniel J. Daugherty in Las Vegas, Nevada. At that hearing, Immigration  
15 Judge Daugherty concluded that *Maldonado Bautista v. Santacruz* constitutes a nationwide  
16 injunction and, on that basis, determined that the Immigration Court had jurisdiction to conduct a  
17 bond hearing.  
18

19 After hearing argument and reviewing the evidence, the Immigration Judge made findings of  
20 fact that Petitioner is not a danger to the community and not a flight risk. Based on those  
21 findings, the Immigration Judge ordered Petitioner released on bond in the amount of \$3,500.  
22

23 During the hearing, the Department of Homeland Security argued that the Immigration Judge  
24 lacked jurisdiction to conduct a bond hearing notwithstanding *Maldonado Bautista*, and DHS  
25 expressly reserved appeal of the bond order. As of the filing of this Reply, Petitioner remains in  
26 custody and has not been released.  
27  
28

1 This development confirms several critical points. First, it demonstrates that Petitioner is  
2 eligible for bond under 8 U.S.C. § 1226(a) and that, when jurisdiction is exercised, the  
3 Government cannot justify continued detention on public safety or flight risk grounds. Second, it  
4 underscores the futility and inconsistency of the Government's jurisdictional position, as DHS  
5 continues to assert lack of jurisdiction even after an Immigration Judge has exercised it and  
6 ordered release. Third, Petitioner's continued detention despite a bond order further supports the  
7 need for habeas relief to ensure that federal statutory and constitutional limits on detention are  
8 enforced.  
9

10 Petitioner respectfully submits that this Court may consider these developments in assessing  
11 both the lawfulness of Petitioner's detention and the appropriateness of immediate relief.  
12

13 **IV. CONCLUSION**

14 Respondents have failed to carry their burden of demonstrating that Petitioner's continued  
15 detention under 8 U.S.C. § 1225(b)(2) is lawful. Petitioner respectfully requests that the Court  
16 grant the Petition for Writ of Habeas Corpus and order his release, or, in the alternative, require  
17 Respondents to provide a bond hearing under 8 U.S.C. § 1226(a) within a prompt and definite  
18 timeframe.  
19

20 Executed this 29th day of December 2025.

21 *Karen Monrreal*  
22 Karen S. Monrreal, Esq.  
23 Attorney for Petitioner, Mr. Reyes-Lopez  
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