

1 Heron Vasquez III
Bar # 15666
2 Meesha Moulton Law
7160 Rafael Rivera Way, Suite 300
3 Las Vegas, NV 89113
Tel. 702-602-7500
4 heron@meeshamoultonlaw.com

5 Attorney for Petitioner

6 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

7
8 **Horacio GARCIA-COVARRUBIAS,**
9 *Petitioner,*

Case No. 25-2445

10 v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

11 **Leander HOLSTON,** Field Office Director of
Enforcement and Removal Operations, Las
12 Vegas Field Office, Immigration and Customs
Enforcement; **Kristi NOEM,** Secretary, U.S.
Department of Homeland Security; U.S.
13 DEPARTMENT OF HOMELAND
SECURITY; **Pamela BONDI,** U.S. Attorney
14 General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; **John MATTOS,**
15 Warden of the Southern Nevada Detention
Center,
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17 *Respondents.*

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1 INTRODUCTION

2 1. Petitioner Horacio Garcia-Covarrubias brings this petition for a writ of habeas
3 corpus to seek enforcement of their rights as members of the Bond Denial Class certified in
4 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the
5 physical custody of Respondents at the Southern Nevada Detention Center. He now faces
6 unlawful detention because the Department of Homeland Security (DHS) and the Executive
7 Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued
8 on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

9 2. On November 20, 2025, the district court granted partial summary judgment on
10 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and
11 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-
12 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
13 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*
14 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
15 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
16 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'
17 Motion for Partial Summary Judgment).

18 3. The declaratory judgment held that the Bond Denial Class members are detained
19 under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under §
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

21 4. Nonetheless, the Executive Office for Immigration Review and its subagency the
22 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
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1 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
2 opportunity to be released on bond.

3 5. Petitioner Horacio Garcia-Covarrubias is a member of the Bond Eligible Class, as
4 he:

5 a. does not have lawful status in the United States and is currently detained at the
6 Southern Nevada Detention Center. He was apprehended by immigration
7 authorities on *September 10, 2025*;

8 b. entered the United States without inspection over 27 years ago and was not
9 apprehended upon arrival, *cf. id.*; and

10 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11 6. After apprehending Petitioner on *September 10, 2025*, the DHS placed him in
12 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
13 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
14 without inspection.

15 7. The Court should expeditiously grant this petition.

16 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
17 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
18 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful
19 detention despite his clear entitlement to consideration for release on bond as a Bond Eligible
20 Class member.

21 9. Immigration judges have informed class members in bond hearings that they have
22 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
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1 controlling, even with respect to class members, and that instead IJs remain bound to follow the
2 agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

3 10. Because Respondents are detaining Petitioner in violation of the declaratory
4 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
5 Respondent DHS must release Petitioner.

6 11. Alternatively, the Court should order Petitioner's release unless Respondents
7 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

8 JURISDICTION

9 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
10 Southern Nevada Detention Center.

11 13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
12 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
13 Constitution (the Suspension Clause).

14 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
15 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All-Writs Act, 28 U.S.C. § 1651.

16 VENUE

17 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
18 500 (1973), venue lies in the United States District Court for the Nevada District, the judicial
19 district in which Petitioner currently is detained.

20 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
21 Respondents are employees, officers, and agencies of the United States, and because a
22 substantial part of the events or omissions giving rise to the claims occurred in the Nevada
23 District.

REQUIREMENTS OF 28 U.S.C. § 2243

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2 17. The Court should grant the petition for writ of habeas corpus “forthwith,” as the
3 legal issues have already been resolved for class members in *Maldonado Bautista*.

4 18. Habeas corpus is “perhaps the most important writ known to the constitutional
5 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
6 confinement.” *Fay v. Nota*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
7 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
8 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
9 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

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11 19. Petitioner Horacio Garcia Covarrubias is a citizen of Mexico who has been in
12 immigration detention since *September 10, 2025*. After Petitioner was arrested in Las Vegas,
13 Nevada, ICE did not set bond, and Petitioner requested review of his custody by an IJ. On
14 *December 9, 2025*, Petitioner was *denied bond* by an IJ at the Las Vegas Immigration Court
15 because he was deemed an “applicant for admission.” Petitioner has resided in the United States
16 since *October 1998*.

17 20. Respondent Leander Holston is the Director of the Las Vegas Field Office of
18 ICE’s Enforcement and Removal Operations division. As such, Leander Holston is Petitioner’s
19 immediate custodian and is responsible for Petitioner’s detention and removal. He is named in
20 his official capacity.

21 21. Respondent Kristi Noem is the Secretary of the Department of Homeland
22 Security. She is responsible for the implementation and enforcement of the Immigration and
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1 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
2 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

3 22. Respondent Department of Homeland Security (DHS) is the federal agency
4 responsible for implementing and enforcing the INA, including the detention and removal of
5 noncitizens.

6 23. Respondent Pamela Bondi is the Attorney General of the United States. She is
7 responsible for the Department of Justice, of which the Executive Office for Immigration Review
8 and the immigration court system it operates is a component agency. She is sued in her official
9 capacity.

10 24. Respondent Executive Office for Immigration Review (EOIR) is the federal
11 agency responsible for implementing and enforcing the INA in removal proceedings, including
12 for custody redeterminations in bond hearings.

13 25. Respondent John Mattos is employed by Core Civic as Warden of the Southern
14 Nevada Detention Center, where Petitioner is detained. He has immediate physical custody of
15 Petitioner. He is sued in his official capacity.

16 **CLAIM FOR RELIEF**

17 **Violation of the INA:**

18 **Request for Relief Pursuant to *Maldonado Bautista***

19 26. Petitioner repeats, re-alleges, and incorporates by reference each and every
20 allegation in the preceding paragraphs as if fully set forth herein.

21 27. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for
22 release on bond under 8 U.S.C. § 1226(a).

23 28. The order granting partial summary judgment in *Maldonado Bautista* holds that
24 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class
members.

- 1 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
2 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
3 law; and
4 e. Grant any other and further relief that this Court deems just and proper.

5 DATED this 9 of December 2025.

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8 Heron Vasquez III, Esq.
9 Meesha Moulton Law
10 7160 Rafael Rivera Way, Suite 300
11 Las Vegas, NV 89113
12 Tel. 702-602-7500
13 heron@meeshamoultonlaw.com

14 *Attorney for Petitioner*
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CERTIFICATE OF SERVICE

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3 I, undersigned counsel, hereby certify that on this date, I filed this **PETITION FOR WRIT OF**
4 **HABEAS CORPUS** and all attachments using CM/ECF system. I or my co-counsel will
5 furthermore mail a copy by USPS Certified Priority Mail with Return Receipts to each of the
6 following individuals:

7 John Mattos, Warden
8 Southern Nevada Detention Center
9 2190 East Mesquite Avenue
10 Pahrump, NV 89060

11 Leander Holston, Field Office Director
12 U.S. Immigration and Customs Enforcement, Las Vegas Field Office
13 501 S. Las Vegas Blvd., Suite 200
14 Las Vegas, NV 89101

15 Kristi Noem, Secretary
16 U.S. Department of Homeland Security
17 2707 Martin Luther King Jr. Ave, SE
18 Washington, DC 20528-0485

19 Pamela Bondi, Attorney General
20 U.S. Department of Justice
21 950 Pennsylvania Avenue, NW
22 Washington, DC 20530-0001

23 Dated: December 10, 2025

24 Respectfully submitted,



25 Heron Vasquez III, Esq.
26 7160 Rafael Rivera Way, Suite 300
27 Las Vegas, NV 89113
28 Tel. 702-602-7500
29 heron@meeshamoultonlaw.com