

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

Derick NAVARRO GUILLEN

Petitioner,

v.

Kristi NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela J. BONDI, U.S. Attorney General, in her official capacity; Todd LYONS, Acting Director for U.S. Immigration and Customs Enforcement, in his official capacity; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; Jason KNIGHT, Acting Field Office Director, Salt Lake City Field Office; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; Sirce OWEN, Acting Director for Executive Office of Immigration Review, in her official capacity; LAS VEGAS IMMIGRATION COURT; John MATTOS, Warden of Nevada Southern Detention Center, in his official capacity,

Respondents.

Case No. 25-2447

**PETITION FOR WRIT OF  
HABEAS CORPUS PURSUANT TO  
28 U.S.C. §2241 AND REQUEST FOR  
TEMPORARY RESTRAINING  
ORDER**

Petitioner, Derick Navarro Guillen, by and through his undersigned counsel respectfully petitions this Court for a writ of habeas corpus, and in support thereof alleges as follows:

**I. INTRODUCTION AND EMERGENCY NATURE OF RELIEF**

1. Petitioner is a 46-year-old citizen of Guatemala who has lived in the United States since approximately February 2005. He is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at the Nevada Southern Detention Center in Pahrump, Nevada.

1 2. Petitioner's removal proceedings are pending before the Las Vegas Immigration Court.  
2 EOIR has scheduled his first master calendar hearing for December 22, 2025, in Las Vegas,  
3 Nevada. Petitioner is represented by counsel based in Las Vegas, and counsel has filed a Form  
4 EOIR-28 in those proceedings.  
5

6 3. Petitioner has been informed by ICE officers that he is to be transferred imminently to a  
7 detention facility in California (California City, California), despite his pending Las Vegas  
8 hearing and established attorney-client relationship with counsel in Nevada.  
9

10 4. If ICE executes this transfer, Petitioner's access to counsel, ability to communicate  
11 confidentially and regularly with counsel, and ability to meaningfully participate in his defense  
12 will be severely impaired. The transfer also risks disrupting or effectively nullifying his upcoming  
13 hearing before the Las Vegas Immigration Court and would thwart the regulatory framework that  
14 leaves venue and case-control with that court, not with ICE.  
15

16 5. Petitioner does not challenge in this action the substantive charges of removability. Instead,  
17 he challenges the government's imminent out-of-state transfer as a violation of the Due Process  
18 Clause of the Fifth Amendment and as arbitrary and capricious agency action that conflicts with  
19 the Immigration and Nationality Act and its implementing regulations.  
20

21 6. Petitioner respectfully requests that this Court issue: (1) a temporary restraining order and  
22 subsequent writ of habeas corpus prohibiting ICE from transferring him out of Nevada while his  
23 removal proceedings are pending in the Las Vegas Immigration Court; and (2) an order requiring  
24 that his removal case continue in the Las Vegas Immigration Court, with his detention remaining  
25 within this District (or, alternatively, his release under appropriate conditions).  
26

## 27 **II. JURISDICTION**

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1 7. This Court has jurisdiction over this petition under 28 U.S.C. § 2241 because Petitioner  
2 is in custody within this District and challenges the legality of the manner and location of that  
3 custody and the imminent transfer that would interfere with his ongoing immigration proceedings  
4 and his constitutional rights.

5  
6 8. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under  
7 the Constitution and laws of the United States, including the Immigration and Nationality Act  
8 (“INA”) and its implementing regulations.

9 9. To the extent applicable, judicial review of arbitrary and capricious agency action is also  
10 available under the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701–706. Petitioner does  
11 not seek review of a final order of removal but rather challenges collateral detention and transfer  
12 decisions that are not committed to agency discretion by law, especially where they undermine  
13 due process and EOIR’s control over venue.  
14

15 **III. VENUE**

16 10. Venue lies in the District of Nevada because Petitioner is detained at Nevada Southern  
17 Detention Center in Pahrump, Nevada, and ICE’s actions giving rise to this petition—including  
18 the imminent transfer decision—are occurring within this District. The Immigration Court with  
19 current administrative control over his case is likewise located in Las Vegas, Nevada.  
20

21 **IV. PARTIES**

22 11. Petitioner, Derick Navarro Guillen, is a native and citizen of Guatemala currently detained  
23 by Immigration and Customs Enforcement (ICE) at the Nevada Southern Detention Center,  
24 Pahrump, Nevada. His removal proceedings are currently pending before the Las Vegas  
25 Immigration Court. Petitioner is married; he and his spouse married in the United States in 2012.  
26 They have three children, including two U.S. citizen children, ages 17 and 11, and one child in  
27  
28

1 Guatemala. Before his detention, the Petitioner had been employed for approximately ten years  
2 with Trail Creek Property Management, performing maintenance and related work at an  
3 apartment complex where he resided. Petitioner has no significant criminal history. Most recently,  
4 on or about November 21, 2025, he was arrested by local law enforcement after his neighbor,  
5 who previously obtained a state temporary protective order (TPO), alleged that he violated that  
6 order by coming to the apartment complex where he both lived and worked. He was granted a  
7 \$500 bond in his state criminal case and retained criminal defense counsel. Despite this, ICE took  
8 him into immigration custody.  
9

10  
11 12. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security  
12 (“DHS”) and is responsible for the administration and enforcement of the Immigration and  
13 Nationality Act (“INA”) and oversees ICE, which is responsible for the Petitioner’s detention.  
14 Defendant Noem has ultimate custodial authority over Petitioner and is sued in her official  
15 capacity.  
16

17 13. Respondent U.S. Department of Homeland Security (“DHS”) is the federal agency  
18 responsible for implementing and enforcing the INA, including the detention and removal of  
19 noncitizens. Respondent DHS is the legal custodian of the Petitioner.  
20

21 14. Respondent Pamela Bondi is the Attorney General of the United States and administers  
22 the Department of Justice, including EOIR, the BIA, and the Immigration Courts. Respondent  
23 Bondi is sued in her official capacity.  
24

25 15. Respondent Todd Lyons is the Acting Director and Senior Officer Performing the Duties  
26 of the Director of ICE. Respondent Lyons is responsible for ICE’s policies, practices, and  
27 procedures, including those relating to the detention of immigrants during his removal procedures.  
28

1 Respondent Lyons is a legal custodian of Petitioner. Respondent Lyons is sued in his official  
2 capacity.

3 16. Respondent U.S. Immigration and Customs Enforcement (“ICE”) is the subagency of  
4 DHS that is responsible for carrying out removal orders and overseeing immigration detention.  
5 Respondent ICE is a legal custodian of Petitioner.

6  
7 17. Respondent Jason Knight is the Acting Field Office Director for ICE’s Salt Lake City  
8 Field Office, which exercises authority over the detention and removal of noncitizens in Nevada,  
9 including Petitioner. He is the Petitioner’s legal custodian for immigration purposes and is sued  
10 in his official capacity.

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

15  
16 19. Respondent Sirce Owen is the Acting Director of EOIR and has ultimate responsibility  
17 for overseeing the operation of the immigration courts and the Board of Immigration Appeals,  
18 including bond proceedings. She is sued in her official capacity.

19  
20 20. Respondent Las Vegas Immigration Court is the adjudicatory body within EOIR with  
21 jurisdiction over the removal and bond case of the Petitioner.

22  
23 21. Respondent John Mattos is the Warden of Nevada Southern Detention Center in Pahrump,  
24 Nevada. He has day-to-day physical custody over Petitioner. He is sued in his official capacity as  
25 an immediate custodian.

## 26 **V. STATEMENT OF FACTS**

27 22. Petitioner entered the United States without inspection in or about February 2005 and has  
28 lived and worked in this country for approximately twenty years.


1 23. For the last decade, Petitioner has worked for Trail Creek Property Management. He  
2 resided at an apartment complex managed by his employer. His spouse and children have  
3 depended on his employment and presence in the home.  
4

5 24. A dispute arose between Petitioner and a neighbor who resides in the same apartment  
6 complex. The neighbor obtained a temporary protective order (TPO) against Petitioner. Under  
7 the terms of that order, Petitioner was permitted to be at the apartment property where he lived  
8 and worked but was required to stay away from the protected individual.  
9

10 25. On or about November 21, 2025, Petitioner went to the apartment complex to view holiday  
11 lights and to be with his family. The neighbor contacted law enforcement alleging that Petitioner  
12 had violated the TPO. Petitioner was arrested by local police.

13 26. In state court, Petitioner was granted a \$500 bond, and he retained criminal defense  
14 counsel to contest the TPO-related allegations. Petitioner has no prior criminal convictions, aside  
15 from a minor accident-related incident.  
16

17 27. Despite the state court's determination that Petitioner was eligible for release on bond,  
18 ICE lodged an immigration detainer, took him into custody, and transferred him to Nevada  
19 Southern Detention Center in Pahrump, Nevada.

20 28. On or about November 25, 2025, DHS issued a Notice to Appear, initiating removal  
21 proceedings against Petitioner in the Las Vegas Immigration Court. EOIR's portal reflects a  
22 pending removal case under A-Number  with a master calendar hearing set for  
23 December 22, 2025, before the Las Vegas Immigration Court.  
24

25 29. Petitioner retained undersigned counsel, based in Las Vegas, Nevada, who filed a Form  
26 EOIR-28 entering an appearance in those immigration proceedings.  
27  
28

1 30. While Petitioner’s immigration case is pending in Las Vegas, ICE officers have informed  
2 him that ICE intends to transfer him imminently to a detention facility in California, specifically  
3 California City, California.

4 31. No motion to change venue has been filed by DHS in the immigration court, and no  
5 Immigration Judge has entered an order changing venue from Las Vegas. The case remains on  
6 the Las Vegas docket with an in-person master calendar hearing scheduled for December 22,  
7 2025.

8 32. If ICE transfers Petitioner to California:

9 a. His ability to **consult with and meaningfully assist counsel** will be drastically  
10 reduced due to distance, facility rules, and limited confidential telephonic access;

11 b. The Las Vegas Immigration Court may be unable or unwilling to proceed with the  
12 scheduled hearing, causing delay and undermining the efficient adjudication of his  
13 case; and

14 c. ICE will have effectively reassigned practical control over the case and  
15 Petitioner’s representation away from the jurisdiction where his family, counsel, and  
16 immigration court are located, in contravention of EOIR regulations.

17 33. Petitioner’s case was initiated in Nevada, where he continues to be represented. ICE has  
18 no legitimate justification—beyond its own administrative convenience—for transferring him  
19 from Nevada to California.

## 24 VI. LEGAL BACKGROUND

25 34. Noncitizens in removal proceedings are entitled to due process of law, including a “full  
26 and fair hearing” and a meaningful opportunity to present his case. See *Reno v. Flores*, 507 U.S.  
27 292, 306 (1993); *Demore v. Kim*, 538 U.S. 510, 523 (2003).

28

1 35. This due process protection encompasses the right to retain counsel of choice at no  
2 expense to the government and to communicate effectively with that counsel. See 8 U.S.C. §  
3 1362; 8 C.F.R. § 1003.16(b); Matter of G-Y-R-, 23 I&N Dec. 181 (BIA 2001).

4  
5 36. EOIR’s regulations assign control over venue and case location to the immigration  
6 courts—not to ICE. Under 8 C.F.R. § 1003.20(b), venue may be changed only by order of the  
7 Immigration Judge with administrative control over the Record of Proceedings.

8 37. The Ninth Circuit has recognized that the government may not manipulate jurisdiction or  
9 undermine due process through strategic transfers. See, e.g., *Maldonado-Cruz v. INS*, 883 F.2d  
10 788, 790 (9th Cir. 1989) (rejecting INS attempt to secure favorable law by transferring a  
11 noncitizen away from the circuit where he was apprehended and resided).

12  
13 38. Under the APA, courts must “hold unlawful and set aside agency action, findings, and  
14 conclusions found to be...arbitrary, capricious, an abuse of discretion, or otherwise not in  
15 accordance with law.” 5 U.S.C. § 706(2)(A).

16  
17 39. ICE’s transfer decisions, especially where they interfere with EOIR’s control of venue  
18 and an individual’s access to counsel, are subject to constitutional limits and may not be exercised  
19 in a manner that deprives a detainee of a meaningful opportunity to be heard.

20 **VII. CLAIMS FOR RELIEF**

21 **FIRST CLAIM FOR RELIEF**

22 **VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT**

23  
24 40. Petitioner re-alleges and incorporates the above paragraphs as though fully set forth herein.

25 41. By planning to transfer Petitioner out of Nevada while his removal case is pending before  
26 the Las Vegas Immigration Court, with a hearing date already scheduled and counsel of record in  
27

1 Las Vegas, Respondents are interfering with his access to counsel and with his ability to  
2 meaningfully participate in his removal proceedings.

3 42. ICE has already transferred Petitioner from Idaho to Nevada, demonstrating a pattern of  
4 long-distance movements that disconnect him from his family and potential counsel. Having now  
5 secured representation in the jurisdiction where his immigration case is pending and where he is  
6 detained, an additional transfer to California would unreasonably and unnecessarily disrupt his  
7 proceedings and prolong his detention, serving no legitimate purpose beyond agency convenience.

8 43. The imminent transfer is not predicated on any individualized determination of necessity,  
9 risk, or security concerns, but appears to be driven solely by administrative convenience, with no  
10 regard for Petitioner's ongoing proceedings, his attorney-client relationship, or the location of his  
11 family.  
12

13 44. This transfer will foreseeably result in the cancellation or delay of hearings, increased  
14 difficulty in securing evidence and testimony, and reduced ability for Petitioner to consult with  
15 counsel, thereby depriving him of a full and fair hearing.  
16

17 45. Respondents' conduct thus violates the Due Process Clause of the Fifth Amendment.  
18

19 **SECOND CLAIM FOR RELIEF**

20 **ARBITRARY AND CAPRICIOUS AGENCY ACTION IN**

21 **VIOLATION OF APA, 5 U.S.C. § 706(2)(A)**

22 46. Petitioner re-alleges and incorporates the above paragraphs as though fully set forth  
23 herein.  
24

25 47. Respondents' decision to transfer Petitioner out of Nevada, despite ongoing removal  
26 proceedings in the Las Vegas Immigration Court and a rapidly approaching hearing date, is  
27 arbitrary and capricious and an abuse of discretion.  
28

1 48. Respondents have failed to consider critical factors, including Petitioner's long-term  
2 residence and employment in Nevada, the location of his counsel and family, the feasibility of  
3 maintaining him at Nevada Southern Detention Center, and the disruption the transfer will cause  
4 to EOIR-scheduled hearings.  
5

6 49. The transfer also conflicts with EOIR's regulatory scheme, including 8 C.F.R. §  
7 1003.20(b), which vests venue decisions with the Immigration Judge, not with ICE.

8 50. Respondents' actions therefore constitute unlawful agency action under the APA and must  
9 be set aside.  
10

### 11 **VIII. PRAYER FOR RELIEF**

12 WHEREFORE, Petitioner respectfully requests that this Court:

- 13 A. Assume jurisdiction over this matter and grant this emergency petition for a writ of  
14 habeas corpus;  
15  
16 B. Issue an immediate Temporary Restraining Order, followed by a preliminary  
17 injunction as appropriate, prohibiting Respondents from transferring Petitioner out of  
18 Nevada while his removal proceedings are pending before the Las Vegas Immigration  
19 Court, absent further order of this Court;  
20  
21 C. Order that Petitioner remain detained, if at all, at Nevada Southern Detention Center  
22 or another facility within the District of Nevada, or in the alternative, order his release  
23 under reasonable conditions of supervision or bond;  
24  
25 D. Declare that venue in Petitioner's removal proceedings remains proper in the Las  
26 Vegas Immigration Court unless and until that court orders a change of venue pursuant  
27 to 8 C.F.R. § 1003.20;  
28

1 E. Prohibit Respondents from taking any further action—such as additional transfers—  
2 that would unreasonably interfere with Petitioner’s access to counsel and ability to  
3 participate in his immigration case;

4 F. Award such other and further relief as the Court deems just and proper, including costs  
5 and reasonable attorneys’ fees under the Equal Access to Justice Act, 28 U.S.C. § 2412,  
6 or other authority;

7  
8 G. Grant such further relief as the Court deems just and proper.

9 RESPECTFULLY SUBMITTED,

10 /s/Daniel F. Lippmann

11 BY: DANIEL F. LIPPMANN, ESQ.

12 Dated: December 9, 2025.

