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

12 **JOSE ALBERTO GONZALEZ**
 13 **HERNANDEZ,**
 14 **ALFONSO MARIO RIOS RIOS,**
 15 **LIDIO LOPEZ LOPEZ**

16 *Petitioners,*

17 v.

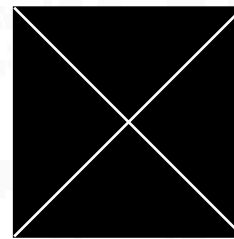
18 **KRISTI NOEM,**
 in her official capacity as
 Secretary, U.S. Department of
 19 Homeland Security; 245 Murray Lane
 SW, Washington, DC 20528;

20 **U.S. DEPARTMENT OF HOMELAND**
 21 **SECURITY;**

22 **PAMELA J. BONDI,**
 in her official capacity as

Case No.: _____

Agency No: A#



**VERIFIED PETITION FOR A
 WRIT OF HABEAS CORPUS
 UNDER 28 U.S.C. § 2241**

23

1 Attorney General of the United States,
2 950 Pennsylvania Avenue, NW,
3 Washington, DC, 20530;

4 **U.S. DEPARTMENT OF JUSTICE;**

5 **TODD LYONS,**

6 in his official capacity as Acting
7 Director and Senior Official Performing
8 the Duties of the Director for U.S.
9 Immigration and Customs
10 Enforcement, 500 12th Street, SW,
11 Washington, DC 20536;

12 **BRIAN HENKEY,**

13 in his official capacity as Acting Field
14 Office Director, Salt Lake City Field
15 Office Director, U.S. Immigration &
16 Customs Enforcement, 2975 Decker
17 Lake Drive Suite 100, West Valley
18 City, UT 84119-6096

19 **U.S. IMMIGRATION AND CUSTOMS
20 ENFORCEMENT;** and

21 **JOHN MATTOS,**

22 in his official capacity as Warden,
23 Nevada Southern Detention Facility,
2190 E. Mesquite Ave.
Pahrump, NV 89060

Respondents.

INTRODUCTION

1. Petitioners are all longtime residents of the United States. They are all originally from Mexico but are now in in removal proceedings in Immigration Court, and but for recent changes in policy by the Department of Homeland Security (“DHS”) and the Department of Justice (“DOJ”), Las Vegas Immigration Judges (“IJs”) would have released Petitioners’ release on bond.

1 2. Normally, Petitioners would be able to request a bond hearing in Immigration Court, and
2 obtain a bond, under the INA and long-standing policy and practice, and as required by 8 U.S.C.
3 § 1226(a). But this year, in violation of the INA, the Board of Immigration Appeals (“BIA”)
4 ordered that all individuals who entered the U.S. without inspection (known as “EWIs”) are
5 subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and are therefore purportedly
6 ineligible for bond. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA 2025).
7 Respondents’ legal interpretation is wrong. As such, Petitioners seek relief from this Court to
8 restore their statutory and constitutional due process right to a bond because they have already
9 established they are not a danger or flight risk.

10 To be clear, Petitioners do not ask this Court to adjudicate their removability. They
11 merely seek relief from this Court regarding the IJs’ jurisdiction to enter bond orders—orders
12 two (2) of the three (3) Petitioners have already received in the alternative and one (1) Petitioner
13 would receive if not for the BIA’s decision. All three (3) have demonstrated to the Las Vegas
14 Immigration Court that they pose neither a danger to the community nor a flight risk. Release on
15 bond would allow Petitioners the opportunity to reunite with their family, work and earn income,
16 and access greater resources while pursuing their pending removal proceedings in Immigration
17 Court.

18 JURISDICTION AND VENUE

19 3. Petitioners are in the custody of Respondents. Petitioners are detained at the Nevada
20 Southern Detention Center, 2190 E. Mesquite Ave., Pahrump, NV 89060. Nevada Southern
21 Detention Center is a private detention center operated by CoreCivic, Inc., under contract with
22 U.S. Immigration and Customs Enforcement (“ICE”).
23

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

4 5. This Court may grant relief in accordance with 28 U.S.C. § 2241, the Declaratory
5 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

6 6. Venue is proper in this District under 28 U.S.C. § 2241; 28 U.S.C. § 1391(b); and 28
7 U.S.C. § 1391(e)(1) because this petition was filed when Petitioners were detained within the
8 geographic jurisdiction of the District of Nevada (Las Vegas). Venue is also proper under 28
9 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United
10 States, and a substantial part of the events or omissions giving rise to these claims occurred in
11 this district. *See* 28 U.S.C. § 1391(e).

12 **REQUIREMENTS OF 28 U.S.C. § 2243**

13 7. The Court must grant the petition for a writ of habeas corpus or order Respondents to
14 show cause “forthwith,” unless Petitioners are not entitled to relief. 28 U.S.C. § 2243. If an
15 order to show cause is issued, Respondents must file a return “within three days unless for good
16 cause additional time, not exceeding twenty days, is allowed.” *Id.*

17 8. Habeas corpus is “perhaps the most important writ known to the constitutional law . . .
18 affording as it does a swift and imperative remedy in all cases of illegal restraint or
19 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the
20 attention and displaces the calendar of the judge or justice who entertains it and receives prompt
21 action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120
22 (9th Cir. 2000) (citation omitted).

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PARTIES

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2 9. Petitioner Jose Alberto Gonzalez Hernandez is a 59-year-old man from Mexico who has
3 resided in the United States since on or about 1994.

4 10. Petitioner Alfonso Mario Rios Rios is a 62-year-old man from Mexico who has resided in
5 the United States since 2006.

6 11. Petitioner Lidio Lopez Lopez is a 50-year-old man from Mexico who has resided in the
7 United States since 1990.

8 12. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She
9 is responsible for the implementation and enforcement of the Immigration and Nationality Act
10 (“INA”), and oversees ICE, which is responsible for Petitioners’ detention. Ms. Noem has
11 ultimate custodial authority over Petitioners and is sued in her official capacity.

12 13. Respondent Department of Homeland Security (“DHS”) is the federal agency responsible
13 for implementing and enforcing the INA, including the detention and removal of noncitizens.
14 Respondent DHS is a legal custodian of Petitioners.

15 14. Respondent Pamela Bondi is the Attorney General of the United States. She is
16 responsible for the DOJ of which the Executive Office for Immigration Review (“EOIR”) and
17 the immigration court system it operates is a component agency. She is sued in her official
18 capacity.

19 15. Respondent DOJ is the federal agency responsible for adjudicating removal and related
20 bond cases. EOIR, and its components the immigration courts and Board of Immigration
21 Appeals (“BIA”) is a division of DOJ.

22 16. Respondent Todd Lyons is the Acting Director and Senior Officer Performing the Duties
23 of the Director of ICE. Respondent Lyons is responsible for ICE’s policies, practices, and

1 procedures, including those relating to the detention of immigrants during their removal
2 procedures. Respondent Lyons is a legal custodian of Petitioner. Respondent Lyons is sued in
3 his official capacity.

4 17. Respondent ICE is the subagency of DHS that is responsible for carrying out removal
5 orders and overseeing immigration detention. Respondent ICE is a legal custodian of
6 Petitioners.

7 18. Respondent Brian Henkey is the Acting Director of the Salt Lake City Field Office of
8 ICE Enforcement and Removal Operations, a federal law enforcement agency within the DHS.
9 ERO is a directorate within ICE whose responsibilities include operating the immigration
10 detention system. In his capacity as ICE ERO Salt Lake City, Acting Field Office Director,
11 Respondent Knight exercises control over and is a custodian of immigration detainees held at
12 NSDC. At all times relevant to this Petition, Respondent Henkey was acting within the scope
13 and course of his employment with ICE. He is sued in his official capacity.

14 19. Respondent John Mattos is the Warden of NSDC which detains individuals suspected of
15 civil immigration violations pursuant to a contract with ICE. Respondent Mattos exercises
16 physical control over immigration detainees held at NSDC. Respondent Mattos is sued in his
17 official capacity.

18 20. Respondents individually and collectively will be referred to as “Respondents.”

19 **FACTS**

20 **A. JOSE ALBERTO GONALEZ HERNANDEZ**

21 21. Petitioner Jose Alberto Gonzalez Hernandez s is a 59-year-old resident of Caldell, Idaho.
22 See **Exh. A** (Declaration of Jose Alberto Gonzalez Hernandez), at ¶ 1. He is originally from
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1 Mexico, but he has lived in the United States for more than thirty (30) years, having last entered
2 the United States in 1994. *Id.*

3 22. In October 2025, Petitioner was stripped away from his family, job, and community, after
4 multiple federal agencies arrested him without presenting a warrant for his arrest nor explaining
5 the circumstances surrounding his arrest at a legal horse racing event which these agencies
6 raided. *Id.* ¶¶ 5–8; **Exh. B** (Article from Boise State Public Radio, dated October 20, 2025).

7 23. ICE transferred Petitioner to several locations during the first few days of his custody.
8 **Exh. A** (Declaration of Jose Alberto Gonzalez Hernandez), at ¶ 9. Five (5) days later, ICE
9 transported him to the Nevada Southern Detention Center (“NSDC”) in Pahrump, Nevada,
10 where he has remained ever since. *Id.* ¶ 9.

11 24. Petitioner does not have a criminal record and has never been in immigration proceedings
12 before. *Id.* ¶ 10. Petitioner’s NTA designates him as “an alien present in the United States who
13 has not been admitted or paroled.” *See Exh. C* (Jose Alberto Gonzalez Hernandez, Notice to
14 Appear (“NTA”).

15 25. Petitioner has requested a bond hearing on two separate occasions. First, on November 3,
16 2025, the IJ denied his request due to lack of jurisdiction based on *Matter of Yajure Hurtado*, 29
17 I. & N. Dec. at 216. *See Exh. D* (Jose Alberto Gonzalez Hernandez, Order of the IJ, dated
18 November 3, 2025). However, the IJ stated on record that if it was later determined that the IJ
19 had jurisdiction, it would grant bond in the amount of \$1,500. *See Exh. E* (Declaration of
20 Chantell Abou-Hamdan, Esq.). Second, Petitioner refiled his bond motion due to the declaratory
21 judgment issued in the *Bautista v. Noem*, 5:25-cv-01873-SSS-BFM (C.D. Cal.). But the IJ again
22 denied Petitioner’s request for lack of jurisdiction, declining to follow the declaratory judgment
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1 in *Bautista*. See **Exh. F** (Jose Alberto Gonzalez Hernandez, Order of the IJ, dated December 1,
2 2025).

3 26. These orders are a clear violation of both the INA and the Due Process Clause of the
4 United States Constitution and for these reasons Petitioner files the instant petition.

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6 **B. ALFONSO MARIO RIOS RIOS**

7 27. Petitioner Alfonso Mario Rios Rios is a 62-year-old resident of Las Vegas, Nevada.
8 See **Exh. G** (Declaration of Alfonso Mario Rios Rios), at ¶ 1. He is originally from Mexico, but
9 he has lived in the United States for almost twenty (20) years, having last entered the United
10 States in 2006. *Id.*

11 28. In October 2025, Petitioner was stripped away from his family, job, and community, after
12 multiple federal agencies arrested him without presenting a warrant for his arrest early in the
13 morning while he drove from his home to his job. *Id.* ¶¶ 8–9; see also **Exh. H** (Alfonso Mario
14 Rios Rios, I-213).

15 29. ICE transported Petitioner to the Las Vegas Enforcement and Removal Operations
16 (“ERO”) office and after a few hours, transferred him to NSDC in Pahrump, Nevada, where he
17 has remained ever since. **Exh. G** (Declaration of Alfonso Mario Rios Rios), at ¶ 10.

18 30. Petitioner does not have a criminal record and has never been in immigration proceedings
19 before. *Id.* ¶¶ 4, 7. Petitioner’s NTA designates him as “an alien present in the United States
20 who has not been admitted or paroled.” See **Exh. I** (Alfonso Mario Rios Rios, NTA).

21 31. Petitioner requested a bond hearing from the IJ. On December 12, 2025, the IJ denied his
22 request due to lack of jurisdiction based on *Matter of Yajure Hurtado*, 29 I. & N. Dec. at 216.
23 See **Exh. J** (Alfonso Mario Rios Rios, Order of the IJ, dated December 12, 2025). However, the

1 IJ did issue an “in the alternative” decision, setting Petitioner’s bond at the minimum of
2 \$1,500.00. *Id.* DHS waived appeal, indicating it agreed with the IJ’s determination regarding
3 dangerousness and flight risk. *Id.*

4 32. The IJ’s order stating it lacks jurisdiction is a clear violation of both the INA and the Due
5 Process Clause of the United States Constitution and for these reasons Petitioner files the instant
6 petition.

7 **C. LIDIO LOPEZ LOPEZ**

8 33. Petitioner Lidio Lopez Lopez is a 50-year-old resident of Las Vegas, Nevada. *See Exh.*
9 **K** (Lidio Lopez Lopez, NTA). He is originally from Mexico, but he has lived in the United
10 States for thirty-five years (35), having last entered the United States in 1990. *See Exh. L*
11 (Declaration of Lidio Lopez Lopez), at ¶ 1. He has eight (8) U.S. citizen children with his wife
12 of twenty-four (24) years, Bertha. *Id.* His eldest is twenty-three (23) while his youngest is five
13 (5) and was born with Noonan Syndrome, causing a congenital heart defect and other
14 symptoms. *Id.* ¶ 4. Petitioner is the primary financial provider for his household of ten (10). *Id.*
15 ¶¶ 1–4.

16 34. On November 4, 2025, Petitioner was on his way to work at 5:00AM when five (5) ICE
17 agents in three (3) vehicles pulled him over. *Id.* ¶ 5. One officer claimed the reason was
18 Petitioner had been speeding and asked Petitioner where he was going. *Id.* ICE transferred
19 Petitioner to the Las Vegas ERO office for processing before ultimately transferring him to
20 NSDC in Pahrump, Nevada, where he has been held since. *Id.*

21 35. Petitioner’s NTA designates him as “an alien present in the United States who has not
22 been admitted or paroled.” *See Exh. K* (Lidio Lopez Lopez, Partial NTA, pages 1 and 4 of 4).
23 Petitioner has one criminal conviction which occurred on May 1, 2024, for low level possession

1 of controlled substance. See **Exh. L** (Declaration of Lidio Lopez Lopez), at ¶ 7; see also **Exh. M**
2 (Lidio Lopez Lopez, Judgment of Conviction). This conviction does not render him subject to
3 mandatory detention under INA ¶ 236(c), as the Nevada statute is overbroad and divisible by
4 substance, and upon review of the record of conviction, the substance for which he was
5 convicted of possessing is not listed in the federal Controlled Substances Act. See **Exh. N** (Lidio
6 Lopez Lopez, Guilty Plea Agreement and Second Amended Indictment), at PET058–59.

7 36. On November 30, 2025, Petitioner requested a bond hearing due to the declaratory
8 judgment issued in the *Bautista v. Noem*, 5:25-cv-01873-SSS-BFM (C.D. Cal.). On December
9 12, 2025, the IJ denied his request due to lack of jurisdiction based on *Matter of Yajure Hurtado*,
10 29 I. & N. Dec. at 216. See **Exh. O** (Lidio Lopez Lopez, Order of the IJ, dated December 12,
11 2025). However, the IJ entered an alternative order granting bond at \$3,000, in the event he
12 pursued habeas relief with this Court, or in the event the district court in *Bautista v. Noem*
13 entered a clarifying order regarding the effect and consequence of the partial order granting
14 summary judgment. *Id.*

15 37. The IJ’s order stating it lacks jurisdiction is a clear violation of both the INA and the Due
16 Process Clause of the United States Constitution and for these reasons Petitioner files the instant
17 petition.

18 LEGAL FRAMEWORK

19 **Discretionary and Mandatory Detention**

20 38. The Immigration and Nationality Act, codified at Title 8 of the United States Code,
21 prescribes three (3) basic forms of detention for noncitizens in removal proceedings—
22 discretionary detention under § 1226(a), mandatory detention under § 1226(c), and mandatory
23 detention under § 1225. See 8 U.S.C. § 1229(a).

1 39. This Court—and many other courts across the country—has recognized now on several
2 occasions that noncitizens who have been designated as “an alien present in the United States
3 who has not been admitted or paroled” and have been in the United States for more than two (2)
4 years are subject to discretionary detention under § 1226(a) rather than mandatory detention
5 under § 1225. For the Court’s reference, Petitioners have collected the decisions rejecting the

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1 government's position since the BIA's decision in *Matter of Yajure-Hurtado* was published from
2 district courts within the jurisdiction of the Ninth Circuit¹, and from district courts nationwide.²

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4 ¹ *Herrera v. Knight*, No. 2:25-CV-01366-RFB-DJA, 2025 WL 2581792 (D. Nev. Sept. 5, 2025);
5 *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025);
6 *Roman v. Noem*, No. 2:25-CV-01684-RFB-EJY, 2025 WL 2710211 (D. Nev. Sept. 23, 2025);
7 *Carlos v. Noem*, No. 2:25-CV-01900-RFB-EJY, 2025 WL 2896156 (D. Nev. Oct. 10, 2025);
8 *E.C. v. Noem*, No. 2:25-CV-01789-RFB-BNW, 2025 WL 2916264 (D. Nev. Oct. 14, 2025);
9 *Perez Sanchez v. Bernacke*, No. 2:25-CV-01921-RFB-MDC (D. Nev. Oct. 17, 2025); *Aparicio v.*
10 *Noem*, No. 2:25-CV-01919-RFB-DJA, 2025 WL 2998098 (D. Nev. Oct. 23, 2025); *Dominguez-*
11 *Lara v. Noem*, No. 2:25-CV-01553-RFB-EJY, 2025 WL 2998094 (D. Nev. Oct. 24, 2025);
12 *Bautista-Avalos v. Bernacke*, 2:25-CV-01987-RFB-BNW (D. Nev. Oct 27, 2025); *Arce-Cervera*
13 *v. Noem*, No. 2:25-CV-01895-RFB-NJK, 2025 WL 3017866 (D. Nev. Oct. 28, 2025); *Alvarado*
14 *Gonzalez v. Mattos*, No. 2:25-CV-01599-RFB-NJK (D. Nev. Oct. 30, 2025); *Rodriguez Cabrera*
15 *v. Mattos*, No. 2:25-cv-01551-RFB-EJY (D. Nev. Nov. 3, 2025); *Berto Mendez v. Noem*, No.
16 *2:25-cv-02062-RFB-MDC*, 2025 WL 3124285 (D. Nev. Nov. 7, 2025); *Zaragoza Mosqueda v.*
17 *Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Cuevas*
18 *Guzman v. Andrews*, No. 1:25-CV-01015-KES-SKO (HC), 2025 WL 2617256 (E.D. Cal. Sept.
19 *9, 2025)*; *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC (EMC), 2025 WL 2637503 (N.D.
20 *Cal. Sept. 12, 2025)*; *Oliveros v. Kaiser*, No. 25-CV-07117-BLF, 2025 WL 2677125 (N.D. Cal.
21 *Sept. 18, 2025)*; *Lepe v. Andrews*, --- F. Supp. 3d ---, 2025 WL 2716910 (E.D. Cal. Sept. 23,
22 *2025)*; *Roa v. Albarran*, No. 25-CV-07802, 2025 WL 2732923 (N.D. Cal. Sept. 25, 2025);
23 *Valencia Zapata v. Kaiser*, --- F. Supp. 3d ---, 2025 WL 2741654 (N.D. Cal. Sept. 26, 2025);
Santiago Flores v. Noem, No. 5:25-cv-02490-AB-AJR, 2025 WL 3050062 (C.D. Cal. Sept. 29,
2025); *Cordero Pelico v. Kaiser*, No. 25-CV-07286, 2025 WL 2822876 (N.D. Cal. Oct. 3, 2025);
Echevarria v. Bondi, No. 25-CV-03252, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Alvarenga*
Matute v. Wofford, No. 25-CV-01206, 2025 WL 2817795 (E.D. Cal. Oct. 3, 2025); *Ortiz Donis*
v. Chestnut, No. 1:25-CV-01228 JLT SAB, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025); *Alvarez*
Chavez v. Kaiser, No. 3:25-cv-06984-LB, 2025 WL 2909526 (N.D. Cal. Oct. 9, 2025); *Garcia v.*
Noem, No. 5:25-CV-02771-ODW (PDX), 2025 WL 2986672 (C.D. Cal. Oct. 22, 2025); *Equivel-*
Ipina v. Larose, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025);
J.A.C.P. v. Wofford, No. 1:25-CV-01354-KES-SKO (HC), 2025 WL 3013328 (E.D. Cal. Oct.
27, 2025); *Ruiz Yarleque v. Noem*, No. 5:25-CV-02836-MEMF-SP, 2025 WL 3043936, (C.D.
Cal. Oct. 31, 2025); *Beltran v. Noem*, No. 25CV2650-LL-DEB, 2025 WL 3078837 (S.D. Cal.
Nov. 4, 2025); *Menjivar Sanchez v. Wofford*, No. 1:25-CV-01187-SKO (HC), 2025 WL 3089712
(E.D. Cal. Nov. 5, 2025); *Zaragoza v. Noem*, 5:25-cv-2925-HDV-PVC (C.D. Cal. Nov. 7, 2025)
(Dkt. 8); *Otilio B.F. v. Andrews*, 1:25-cv-01398-KES-EPG (HC), -- F. Supp. 3d ----, 2025 WL
3152480 (E.D. Cal. Nov. 11, 2025); *Sharan S. v. Chestnut*, No. 1:25-CV-01427-KES-SKO (HC),
2025 WL 3167826 (E.D. Cal. Nov. 12, 2025); *Moran Bernal v. Noem*, No. 5:25-cv-2995-CV-
SSC (C.D. Cal. Nov. 12, 2025) (Dkt. 9); *Pelico Calel v. Larose*, No. 3:25-CV-02883-GPC-JLB,
2025 WL 3171898 (S.D. Cal. Nov. 13, 2025); *Maravilla Amaya v. Noem*, No. 25CV2892-BTM-
DEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025); *Estuardo Marin v. Andrews*, No. 1:25-CV-
01422-SAB-HC, 2025 WL 3171484 (E.D. Cal. Nov. 13, 2025).

1
2 ² *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025);
3 *Hernandez Marcelo v. Trump*, --- F. Supp. 3d ----, 2025 WL 2741230 (S.D. Iowa Sept. 10,
4 2025); *Lopez Santos v. Noem*, No. 3:25-CV-01193, 2025 WL 2642278 (W.D. La. Sept. 11,
5 2025); *Garcia Cortes v. Noem*, No. 1:25-CV-02677-CNS, 2025 WL 2652880 (D. Colo. Sept. 16,
6 2025); *Salazar v. Dedos*, No. 1:25-CV-00835-DHU-JMR, 2025 WL 2676729 (D.N.M. Sept. 17,
7 2025); *Beltran Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept.
8 19, 2025); *Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255 (E.D. Va.
9 Sept. 19, 2025); *Chogollo Chafla v. Scott*, No. 25-CV-00437, 2025 WL 2688541 (D. Me. Sept.
10 22, 2025); *Singh v. Lewis*, No. 25-CV-96, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Giron*
11 *Reyes v. Lyons*, --- F. Supp. 3d ---, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Brito*
12 *Barrajas v. Noem*, No. 25-CV-00322, 2025 WL 2717650 (S.D. Iowa Sept. 23, 2025); *Lopez v.*
13 *Hardin*, No. 25-CV-830, 2025 WL 2732717 (M.D. Fla. Sept. 25, 2025); *Rivera Zumba v. Bondi*,
14 No. 25-CV-14626, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Inlago Tocagon v. Moniz*, --- F.
15 Supp. 3d ---, 2025 WL 2778023 (D. Mass. Sept. 29, 2025); *Romero-Nolasco v. McDonald*, --- F.
16 Supp. 3d ---, 2025 WL 2778036 (D. Mass. Sept. 29, 2025); *Chang Barrios v. Shepley*, No. 25-
17 CV-00406, 2025 WL 2772579 (D. Me. Sept. 29, 2025); *Alves da Silva v. ICE*, No. 25-CV-284,
18 2025 WL 2778083 (D.N.H. Sept. 29, 2025); *J.U. v. Maldonado*, No. 25-CV-04836, 2025 WL
19 2772765 (E.D.N.Y. Sept. 29, 2025); *Quispe v. Crawford*, No. 25-CV-1471, 2025 WL 2783799
20 (E.D. Va. Sept. 29, 2025); *Chiliquinga Yumbillo v. Stamper*, No. 25-CV-00479, 2025 WL
21 2783642 (D. Me. Sept. 30, 2025); *Morales v. Plymouth Cnty. Corr. Facility*, No. 25-CV-12602
22 (D. Mass. Sept. 30, 2025) (Dkt. 15); *Santiago Helbrum v. Williams*, No. 4:25-cv-00349-SHL-
23 SBJ, 2025 WL 2840273 (S.D. Iowa Sept. 30, 2025); *Quispe-Ardiles v. Noem*, No. 25-CV-01382,
2025 WL 2783800 (E.D. Va. Sept. 30, 2025); *Esmeralda Mendoza v. Hyde*, No. 25-12815-JEK
(D. Mass. Oct. 1, 2025) (Dkt. 12); *Chavez Chavez v. Hyde*, No. 25-12571-JEK (D. Mass. Oct. 1,
2025) (Dkt. 11); *De Oliveira Gomes v. Hyde*, No. 25-12737-JEK (D. Mass. Oct. 1, 2025) (Dkt.
8); *Reynosa Tejada v. Moniz*, No. 1:25-cv-12731-LTS (D. Mass. Oct. 1, 2025) (Dkt. 10); *D.S. v.*
Bondi, No. 25-CV-3682, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *De Miranda Silva v. Hyde*,
No. 25-12679-ADB (D. Mass. Oct. 2, 2025) (Dkt. 9); *De Sousa v. Hyde*, No. 25-12736-BEM (D.
Mass. Oct. 2, 2025) (Dkt. 8); *Goncalves Xavier v. Moniz*, No. 25-12798-JEK (D. Mass. Oct. 2,
2025) (Dkt. 14); *Rocha v. Hyde*, No. 25-CV-12584, 2025 WL 2807692 (D. Mass. Oct. 2, 2025);
Chanaguano Caiza v. Scott, No. 25-CV-00500, 2025 WL 2806416 (D. Me. Oct. 2, 2025);
Moreira Neto v. FCI Berlin, Warden, No. 25-311-JL-TSM (D.N.H. Oct. 2, 2025) (Dkt. 14);
Ayala Casun v. Hyde, No. 25-CV-427, 2025 WL 2806769 (D.R.I. Oct. 2, 2025); *Guzman Alfaro*
v. Wamsley, No. 25-CV-01706, 2025 WL 2822113 (W.D. Wash. Oct. 2, 2025); *Escobar v. Hyde*,
No. 25-CV-12620, 2025 WL 2823324 (D. Mass. Oct. 3, 2025); *Martins Valadares v. Hyde*, No.
1:25-cv-12693-ADB (D. Mass. Oct. 3, 2025) (Dkt. 8); *Ribeiro Da Silva v. Hyde*, No. 1:25-cv-
12756-JEK (D. Mass. Oct. 3, 2025) (Dkt. 9); *Shinwari v. Hyde*, No. 1:25-cv-12021-LTS (D.
Mass. Oct. 3, 2025) (Dkt. 37); *Artiga v. Genalo*, No. 25-CV-5208, 2025 WL 2829434 (E.D.N.Y.
Oct. 5, 2025); *Diaz Dimas et al. v. Moniz*, No. 1:25-cv-12665-LTS (D. Mass. Oct. 6, 2025) (Dkt.
14); *Pereira De Souza v. Hyde*, No. 1:25-cv-12532-RGS (D. Mass. Oct. 6, 2025) (Dkt. 13);
Velasco-Luis v. Hyde, No. 1:25-cv-12747-RGS (D. Mass. Oct. 6, 2025) (Dkt. 8); *Hyppolite v.*
Noem, No. 25-CV-4304, 2025 WL 2829511 (E.D.N.Y. Oct. 6, 2025); *Cardoso De Sa v. Hyde*,
No. 1:25-cv-12788-RGS (D. Mass. Oct. 7, 2025) (Dkt. 9); *Cardoso Dos Santos v. Hyde*, No.
1:25-cv-12787-RGS (D. Mass. Oct. 7, 2025) (Dkt. 7); *Carmona Reyes v. Hyde*, No. 1:25-cv-
12781-RGS (D. Mass. Oct. 7, 2025) (Dkt. 8); *Da Silva v. Hyde*, No. 1:25-cv-12638-IT (D. Mass.

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2 Oct. 7, 2025) (Dkt. 10); *Fonseca De Sa v. Hyde*, No. 1:25-cv-12734-ADB (D. Mass. Oct. 7,
3 2025) (Dkt. 8); *S.D.B.B. v. Johnson*, No. 1:25-CV-882, 2025 WL 2845170 (M.D.N.C. Oct. 7,
4 2025); *Buenrostro-Mendez v. Bondi*, No. 4:25-cv-03726 (S.D. Tex. Oct. 7, 2025) (Dkt. 18);
5 *Goncalves Bento et al. v. Moniz*, No. 1:25-cv-12498-RGS (D. Mass. Oct. 8, 2025) (Dkt. 8);
6 *Eliseo A.A. v. Olson*, No. CV 25-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025);
7 *Padron Covarrubias v. Vergara*, No. 5:25-cv-00112, 2025 WL 2950097 (S.D. Tex. Oct. 8,
8 2025); *Lopez Lopez v. Hyde*, No. 1:25-cv-12725-IT (D. Mass. Oct. 8, 2025) (Dkt. 14); *De Los*
9 *Reyes Gonzalez v. McDonald*, No. 1:25-cv-12644-RGS (D. Mass. Oct. 9, 2025) (Dkt. 10);
10 *Pereira v. Hyde*, No. 1:25-cv-12775-ADB (D. Mass. Oct. 9, 2025) (Dkt. 8); *Rosa Venancio v.*
11 *Hyde*, No. 1:25-cv-12616-IT (D. Mass. Oct. 9, 2025) (Dkt. 12); *Seidu v. Moniz*, No. 1:25-cv-
12 12723-BEM (D. Mass. Oct. 9, 2025) (Dkt. 11); *Tawela v. Wesling*, No. 1:25-cv-12794-AK (D.
13 Mass. Oct. 9, 2025) (Dkt. 11); *Vasconcelos De Castro v. Hyde*, No. 1:25-cv-12785-AK (D.
14 Mass. Oct. 9, 2025) (Dkt. 13); *Landaverde v. Hyde*, No. 1:25-cv-12552-MJJ (D. Mass. Oct. 10,
15 2025) (Dkt. 16); *Lopez Orellana v. Moniz*, No. 1:25-cv-12908-PBS (D. Mass. Oct. 10, 2025)
16 (Dkt. 12); *Monzon Guzman v. Hyde*, No. 1:25-cv-12593-MJJ (D. Mass. Oct. 10, 2025) (Dkt. 14);
17 *Orellana-Serrano v. Hyde*, No. 1:25-cv-12646-MJJ (D. Mass. Oct. 10, 2025) (Dkt. 18); *Castillo*
18 *v. Lyons*, No. 25-CV-16219 (MEF), 2025 WL 2940990 (D.N.J. Oct. 10, 2025); *Alejandro v.*
19 *Olson*, No. 1:25-CV-02027-JPH-MKK, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025); *Singh v.*
20 *Lyons*, No. 1:25-CV-01606-AJT-WBP, 2025 WL 2932635 (E.D. Va. Oct. 14, 2025); *Merino v.*
21 *Ripa*, No. 25-23845-CIV, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025); *Puga v. Assistant Field*
22 *Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-CIV, 2025 WL 2938369 (S.D. Fla. Oct.
23 15, 2025); *Ochoa v. Noem*, No. 25 CV 10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025);
Andrade Hernandez v. Moniz, No. 25-12860-ADB (D. Mass. Oct. 16, 2025) (Dkt. 8); *Cruz*
Avalos v. Moniz, No. 25-12940-BEM (D. Mass. Oct. 16, 2025) (Dkt. 8); *Chavez Mendoza v.*
Moniz, No. 25-12978-PBS (D. Mass. Oct. 16, 2025) (Dkt. 13); *Dume Rivera v. Moniz*, No. 25-
12833-FDS (D. Mass. Oct. 16, 2025) (Dkt. 12); *Garcia Liranzo v. Moniz*, No. 25-12930-BEM
(D. Mass. Oct. 16, 2025) (Dkt. 11); *Pineda-Chavez v. Moniz*, No. 25-12932-MJJ (D. Mass. Oct.
16, 2025) (Dkt. 9); *Zacarias-Sanchez v. Moniz*, No. 25-12915-BEM (D. Mass. Oct. 16, 2025)
(Dkt. 9); *Pérez Piña v. Stamper*, No. 2:25-cv-00509-SDN (D. Me. Oct. 16, 2025) (Dkt. 20);
Hernandez v. Crawford, No. 1:25-CV-01565-AJT-WBP, 2025 WL 2940702 (E.D. Va. Oct. 16,
2025); *Menjivar Sanchez v. Wofford*, No. 1:25-CV-01187-SKO (HC), 2025 WL 2959274 (E.D.
Cal. Oct. 17, 2025); *Garcia Guaman v. Hyde*, No. 25-12879-ADB (D. Mass. Oct. 17, 2025)
(Dkt. 7); *Nogueira Da Silva v. Hyde*, No. 25-12931-LTS (D. Mass. Oct. 17, 2025) (Dkt. 10);
Zamora v. Noem, 25-12750-NMG, 2025 WL 2958879 (D. Mass. Oct. 17, 2025); *Contreras-*
Cervantes v. Raycraft, No. 2:25-CV-13073, 2025 WL 2952796 (E.D. Mich. Oct. 17, 2025); *Diaz*
Sandoval v. Raycraft, No. 2:25-CV-12987, 2025 WL 2977517 (E.D. Mich. Oct. 17, 2025);
Pacheco Mayen v. Raycraft, No. 2:25-CV-13056, 2025 WL 2978529 (E.D. Mich. Oct. 17, 2025);
Sanchez Alvarez v. Noem, No. 1:25-CV-1090, 2025 WL 2942648 (W.D. Mich. Oct. 17, 2025);
H.G.V.U. v. Smith, No. 25 CV 10931, 2025 WL 2962610 (N.D. Ill. Oct. 20, 2025); *De La Cruz v.*
Noem, No. 25-cv-150-LTS (N.D. Iowa Oct. 20, 2025) (Dkt. 24); *Da Silva v. Moniz*, No. 25-
12563-LTS (D. Mass. Oct. 20, 2025) (Dkt. 15); *Hercules Acosta v. Hyde*, No. 25-13011-AK (D.
Mass. Oct. 20, 2025) (Dkt. 10); *Monzon v. Hyde*, No. 25-12594-RGS (D. Mass. Oct. 20, 2025)
(Dkt. 15); *Ruiz Barahona v. Hyde*, No. 25-12551-IT (D. Mass. Oct. 20, 2025) (Dkt. 13); *Miguel*
v. Noem, No. 25 C 11137, 2025 WL 2976480 (N.D. Ill. Oct. 21, 2025); *Maldonado de Leon v.*
Baker, No. CV 25-3084-TDC, 2025 WL 2968042 (D. Md. Oct. 21, 2025); *Araujo Da Silva v.*

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2 *Bondi*, No. 25-12672-DJC (D. Mass. Oct. 21, 2025) (Dkt. 16); *Casio-Mejia v. Raycraft*, No.
3 2:25-CV-13032, 2025 WL 2976737 (E.D. Mich. Oct. 21, 2025); *Contreras-Lomeli v. Raycraft*,
4 No. 2:25-CV-12826, 2025 WL 2976739 (E.D. Mich. Oct. 21, 2025); *Jimenez Garcia v. Raybon*,
5 No. 2:25-CV-13086, 2025 WL 2976950 (E.D. Mich. Oct. 21, 2025); *Santos Franco v. Raycraft*,
6 No. 2:25-CV-13188, 2025 WL 2977118 (E.D. Mich. Oct. 21, 2025); *Herrera Avila v. Bondi*, No.
7 CV 25-3741 (JRT/SGE), 2025 WL 2976539, at (D. Minn. Oct. 21, 2025); *Buestan v. Chu*, No.
8 CV 25-16034 (MEF), 2025 WL 2972252 (D.N.J. Oct. 21, 2025); *Flores Pineda v. Simon*, No.
9 1:25-CV-01616-AJT-WEF, 2025 WL 2980729 (E.D. Va. Oct. 21, 2025); *Padilla v. Noem*, No.
10 25 CV 12462, 2025 WL 2977742 (N.D. Ill. Oct. 22, 2025); *Coelho Gomes v. Moniz*, No. 25-
11 13021-MJJ (D. Mass. Oct. 22, 2025) (Dkt. 8); *Cortez Rivera v. Hyde*, No. 25-12390-IT, 2025
12 WL 2977900 (D. Mass. Oct. 22, 2025); *Moreira Aguiar v. Moniz*, No. 25-12706-IT, 2025 WL
13 2987656 (D. Mass. Oct. 22, 2025); *Soto v. Soto*, --- F. Supp. 3d ----, 2025 WL 2976572 (D.N.J.
14 Oct. 22, 2025); *Hernandez Vazquez v. Baltasar*, No. 25-cv-03049-GPG (D. Colo. Oct. 23, 2025)
15 (Dkt. 22); *Da Cruz v. Moniz*, No. 25-13067-MJJ (D. Mass. Oct. 23, 2025) (Dkt. 8); *Contreras*
16 *Maldonado v. Cabezas*, No. CV 25-13004, 2025 WL 2985256 (D.N.J. Oct. 23, 2025); *Lomeu v.*
17 *Soto*, No. 25CV16589 (EP), 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Del Cid v. Bondi*, No.
18 3:25-CV-00304, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025); *Nava Hernandez v. Baltasar*, No.
19 1:25-cv-03094-CNS, 2025 WL 2996643 (D. Colo. Oct. 24, 2025); *Patel v. Crowley*, No. 25 C
20 11180, 2025 WL 2996787 (N.D. Ill. Oct. 24, 2025); *Ajtzac Osorio v. Hyde*, No. 25-12678-DJC
21 (D. Mass. Oct. 24, 2025) (Dkt. 17); *Arias Lopez v. Hyde*, No. 25-12680-NMG (D. Mass. Oct. 24,
22 2025) (Dkt. 21); *Mezdaoui v. Moniz*, No. 25-12999-JEK (D. Mass. Oct. 24, 2025) (Dkt. 9);
23 *Aguilar Guerra v. Joyce*, No. 2:25-cv-00534-SDN (D. Me. Oct. 24, 2025) (Dkt. 18); *Rodriguez*
Carmona, v. Noem, No. 1:25-CV-1131, 2025 WL 2992222 (W.D. Mich. Oct. 24, 2025); *Yobani*
v. Noem, No. 1:25-CV-01666-AJT-LRV, 2025 WL 2997507 (E.D. Va. Oct. 24, 2025); *Martinez-*
Elvir v. Olson, No. 3:25-CV-589-CHB, 2025 WL 3006772 (W.D. Ky. Oct. 27, 2025); *Orellana*
v. Noem, No. 4:25-CV-112-RGJ, 2025 WL 3006763 (W.D. Ky. Oct. 27, 2025); *Pineda*
Velasquez v. Noem, No. CV GLR-25-3215, 2025 WL 3003684 (D. Md. Oct. 27, 2025); *Chavez*
Castillo v. Moniz, No. 25-13091-MJJ (D. Mass. Oct. 27, 2025) (Dkt. 8); *De Moura v. Moniz*, No.
25-13058-IT (D. Mass. Oct. 27, 2025) (Dkt. 10); *Lopez-Monteros v. Hyde*, No. 25-12629-NMG
(D. Mass. Oct. 27, 2025) (Dkt. 21); *Mejia Arias v. Moniz*, No. 25-13019-IT (D. Mass. Oct. 27,
2025) (Dkt. 8); *Palencia Morales v. Hyde*, No. 25-13031-DJC (D. Mass. Oct. 27, 2025) (Dkt. 8);
Gimenez Gonzalez v. Raycraft, No. 25-CV-13094, 2025 WL 3006185 (E.D. Mich. Oct. 27,
2025); *Tomas Elias v. Hyde*, No. 25-CV-540-JJM-AEM, 2025 WL 3004437 (D.R.I. Oct. 27,
2025); *Duarte Escobar v. Perry*, No. 3:25CV758, 2025 WL 3006742 (E.D. Va. Oct. 27, 2025);
Puerto-Hernandez v. Lynch, No. 1:25-CV-1097, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025);
J.G.O. v. Francis, No. 25-CV-7233 (AS), 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025); *Zolakio*
v. Hyde, No. 25-13040-RGS (D. Mass. Oct. 28, 2025) (Dkt. 8); *Patel v. Almodovar*, No. CV 25-
15345 (SDW), 2025 WL 3012323 (D.N.J. Oct. 28, 2025); *Corona Diaz v. Olson*, No. 25 CV
12141, 2025 WL 3022170 (N.D. Ill. Oct. 29, 2025); *Marin Garcia v. Noem*, No. 1:25-CV-1271,
2025 WL 3017200 (W.D. Mich. Oct. 29, 2025); *Rodriguez v. Noem*, No. 1:25-CV-1196, 2025
22 WL 3022212 (W.D. Mich. Oct. 29, 2025); *Ramirez Valverde v. Olson*, No. 25-CV-1502, 2025
23 WL 3022700 (E.D. Wis. Oct. 29, 2025); *Singh v. Bondi*, No. 1:25-CV-02101-SEB-TAB, 2025
WL 3029524 (S.D. Ind. Oct. 30, 2025); *Ayala Amaya v. Bondi*, No. 25-CV-16428-ESK, 2025
WL 3033880 (D.N.J. Oct. 30, 2025); *Astudillo v. Hyde*, No. CV 25-551-JJM-AEM, 2025 WL
3035083 (D.R.I. Oct. 30, 2025); *Tejada Polanco v. Hyde*, No. 25-CV-552-JJM-AEM, 2025 WL

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 3 WL 3046183 (N.D. Iowa Oct. 30, 2025); *Artola Arauz v. Baltazar*, No. 1:25-cv-03260-CNS (D.
 4 Colo. Oct. 31, 2025) (Dkt. 16); *Cervantes Arredondo v. Baltazar*, No. 1:25-cv-03040-RBJ (D.
 5 Colo. Oct. 31, 2025) (Dkt. 21); *Garcia v. Noem*, No. 2:25-CV-00879-SPC-NPM, 2025 WL
 6 3041895 (M.D. Fla. Oct. 31, 2025); *Rosales Ponce v. Olson*, No. 25-CV-13037, 2025 WL
 7 3049785 (N.D. Ill. Oct. 31, 2025); *Valencia v. Noem*, No. 25-CV-12829, 2025 WL 3042520
 8 (N.D. Ill. Oct. 31, 2025); *Escobar-Ruiz v. Raycraft*, No. 1:25-CV-1232, 2025 WL 3039255
 9 (W.D. Mich. Oct. 31, 2025); *Ruiz Mejia v. Noem*, No. 1:25-CV-1227, 2025 WL 3041827 (W.D.
 10 Mich. Oct. 31, 2025); *De Jesus Ramirez v. Noem*, No. 1:25-CV-1261, 2025 WL 3039266 (W.D.
 11 Mich. Oct. 31, 2025); *Godinez-Lopez v. Ladwig*, No. 2:25-CV-02962-SHL-ATC, 2025 WL
 12 3047889 (W.D. Tenn. Oct. 31, 2025); *J.A.M. v. Streeval*, No. 4:25-CV-342 (CDL), 2025 WL
 13 3050094 (M.D. Ga. Nov. 1, 2025); *D.E.C.T. v. Noem*, No. 25 C 12463, 2025 WL 3063650 (N.D.
 14 Ill. Nov. 3, 2025); *Flores v. Olson*, No. 25 C 12916, 2025 WL 3063540 (N.D. Ill. Nov. 3, 2025);
 15 *Mboup v. Field Off. Dir. of New Jersey Immigr. & Customs Enf't*, No. 2:25-CV-16882 (MEF),
 16 2025 WL 3062791 (D.N.J. Nov. 3, 2025); *Vargas Ramos v. Rokosky*, No. 25CV15892 (EP),
 17 2025 WL 3063588 (D.N.J. Nov. 3, 2025); *Aguirre Villa v. Normand*, No. 5:25-CV-89, 2025 WL
 18 3095969 (S.D. Ga. Nov. 4, 2025) (R&R); *Alonso v. Tindall*, No. 3:25-CV-652-DJH, 2025 WL
 19 3083920 (W.D. Ky. Nov. 4, 2025); *Salgado Mendoza v. Noem*, No. 1:25-CV-1252, 2025 WL
 20 3077589 (W.D. Mich. Nov. 4, 2025); *Ortiz v. Freden*, No. 25-CV-960-LJV, 2025 WL 3085032
 21 (W.D.N.Y. Nov. 4, 2025); *Reyes Arizmendi v. Noem*, No. 25 C 13041, 2025 WL 3089107 (N.D.
 22 Ill. Nov. 5, 2025); *Hernandez Capote v. Sec'y of U.S. Dep't of Homeland Security*, No. 25-
 23 13128, 2025 WL 3089756 (E.D. Mich. Nov. 5, 2025); *Lopez Sarmiento v. Perry*, 1:25-cv-01644-
 AJT-WBP, 2025 WL 3091140 (E.D. Va. Nov. 5, 2025); *Mirzoev v. Olson*, No. 25-CV-12969,
 2025 WL 3101969 (N.D. Ill. Nov. 6, 2025); *Vicens-Marquez v. Soto*, No. CV 25-16906 (KSH),
 2025 WL 3097496 (D.N.J. Nov. 6, 2025); *Romero Perez v. Francis*, No. 25-CV-8112 (JGK),
 2025 WL 3110459 (S.D.N.Y. Nov. 6, 2025); *Vasquez Carmaco v. Noem*, 2025 WL 3119263
 (M.D. Fla. Nov. 7, 2025); *Garcia Rios v. Noem*, 2025 WL 3124173 (N.D. Ill. Nov. 7, 2025);
Morales-Martinez v. Raycraft, No. 25-CV-13303, 2025 WL 3124695 (E.D. Mich. Nov. 7, 2025);
Molina Ochoa v. Noem, 2025 WL 3125846 (D.N.M. Nov. 7, 2025) (R&R); *Guartazaca Sumba*
v. Crowley, No. 1:25-CV-13034, 2025 WL 3126512 (N.D. Ill. Nov. 9, 2025); *Perez-Gomez v.*
Warden, Camp East Montana Detention Facility, No. CV 3:25CV773, 2025 WL 3141103 (E.D.
 Va. Nov. 10, 2025); *Lira Perez v. Noem*, No. 25 C 13442, 2025 WL 3140692 (N.D. Ill. Nov. 10,
 2025); *Ramirez Martinez v. Noem*, No. 25-CV-12029, 2025 WL 3145103 (N.D. Ill. Nov. 11,
 2025); *Lopez Briseno v. Noem*, No. 25 C 12092, 2025 WL 3145985 (N.D. Ill. Nov. 11, 2025);
Garcia Guevara v. Swearingen, No. 25 C 12549, 2025 WL 3158151 (N.D. Ill. Nov. 12, 2025);
Adonay E.M. v. Noem, No. 25-CV-3975 (SRN/DTS), 2025 WL 3157839 (D. Minn. Nov. 12,
 2025); *Chilel Chilel v. Sheehan*, No. C25-4053-LTS-KEM, 2025 WL 3158617 (N.D. Iowa Nov.
 12, 2025); *Mauricio Diego v. Raycraft*, No. 25-13288, 2025 WL 3159106 (E.D. Mich. Nov. 12,
 2025); *Contreras Alvarez v. Noem*, No. 1:25-CV-1313, 2025 WL 3151948 (W.D. Mich. Nov. 12,
 2025); *Lucero Lucero v. Noem*, No. 1:25-CV-1295, 2025 WL 3165235 (W.D. Mich. Nov. 12,
 2025); *Guaman Naula v. Noem*, No. CV 25-16792 (SDW), 2025 WL 3158490 (D.N.J. Nov. 12,
 2025); *Guaita Quinapanta v. Bondi*, No. 25-CV-795-WMC, 2025 WL 3157867 (W.D. Wis. Nov.
 12, 2025); *Portillo Martinez v. Hyde*, No. CV 25-11909-BEM, 2025 WL 3152847 (D. Mass.
 Nov. 12, 2025); *Hernandez Silva v. Bondi*, No. 9:25-cv-251-MJT (E.D. Tex. Nov. 12, 2025)
 (Dkt. 10) (R&R); *Mariscal Serrano v. Salazar*, No. 25 C 13170, 2025 WL 3171354 (N.D. Ill.

1 40. The Supreme Court describes § 1226 detention as relating to people “inside the United
2 States” and “present in the country.” *Jennings v. Rodriguez*, 583 U.S. 281 at 288–89 (2018).

3 41. Under § 1226(a), the Department of Homeland Security (“DHS”) may detain noncitizens
4 who are placed in removal proceedings, but such detention is discretionary. *See* 8 U.S.C. §
5 1226(a). These individuals are entitled to a custody redetermination (or “bond hearing”) before
6 an immigration judge (“IJ”) who determines whether they should be released on bond. *See* 8
7 C.F.R. §§ 1003.19(a), 1236.1(d). Bond must be at least \$1,500 and is subject to any other
8 conditions imposed by the Attorney General. *See* 8 U.S.C. § 1226(a)(2).

9 42. In contrast to § 1226(a), noncitizens who have been convicted of certain criminal
10 convictions are subject to mandatory detention under § 1226(c). *Demore v. Kim*, 538 U.S. 510,
11 513 (2003). Congress added this provision through passing the Illegal Immigration Reform and
12 Immigrant Responsibility Act of 1996 (“IIRIRA”) to address concerns that criminal noncitizens
13 frequently failed to appear at their removal proceedings. *Velasco Lopez v. Decker*, 978 F.3d 842,
14 848 (2d Cir. 2020). Relying on legislative findings that individuals with certain convictions

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16 Nov. 13, 2025); *Delgado Avila v. Crowley*, No. 2:25-CV-00533-MPB-MJD, --- F. Supp. 3d ----,
17 2025 WL 3171175 (S.D. Ind. Nov. 13, 2025); *Singh v. Noem*, No. 1:25-CV-1251, 2025 WL
18 3170855 (W.D. Mich. Nov. 13, 2025); *Cabrera v. Noem*, No. 25 C 12160, 2025 WL 3171288
19 (N.D. Ill. Nov. 13, 2025); *Caguana-Caguana v. Moniz*, No. 1:25-CV-13142-IT, 2025 WL
20 3171043 (D. Mass. Nov. 13, 2025); *Anselmo v. Moniz*, No. 1:25-CV-13309-IT, 2025 WL
21 3171137 (D. Mass. Nov. 13, 2025); *Ginez Hernandez v. Noem*, No. 1:25-CV-1307, 2025 WL
22 3170872 (W.D. Mich. Nov. 13, 2025); *Mora Lara v. Noem*, No. 1:25-CV-1332, 2025 WL
23 3170876 (W.D. Mich. Nov. 13, 2025); *Madrid Gonzalez v. Noem*, No. 1:25-CV-1315, 2025 WL
3170879 (W.D. Mich. Nov. 13, 2025); *Moreira Da Silva v. LaForge*, No. 25CV17095 (EP),
2025 WL 3173859 (D.N.J. Nov. 13, 2025); *Castanon Nava v. DHS*, No. 18-cv-3757 (N.D. Ill.
Nov. 13, 2025) (Dkt. 247); *Rodriguez Loreda v. Forestal*, No. 25 C 12758, 2025 WL 3187319
(N.D. Ill. Nov. 14, 2025); *Dionisa Quinonez v. Olson*, No. 25 CV 13524, 2025 WL 3190598
(N.D. Ill. Nov. 14, 2025); *Pu Sacvin v. De Anda-Ybarra*, No. 2:25-CV-01031-KG-JFR, 2025 WL
3187432 (D.N.M. Nov. 14, 2025); *Kashranov v. Jamison*, No. 2:25-CV-05555-JDW, 2025 WL
3188399 (E.D. Pa. Nov. 14, 2025); *Cruz Gutierrez v. Thompson*, No. 4:25-4695, 2025 WL
3187521 (S.D. Tex. Nov. 14, 2025); and, *Morales Chavez v. Dir. Of Detroit Field Office*, No.
4:25-CV-2061, 2025 WL 3187080 (N.D. Ohio Nov. 14, 2025).

1 posed elevated risks of danger and flight, Congress mandated detention for noncitizens convicted
2 of serious crimes such as aggravated felonies, drug trafficking, and crimes involving moral
3 turpitude. *Demore*, 538 U.S. at 518–20.

4 43. In January 2025, Congress passed the Laken Riley Act (“LRA”), which amended the
5 INA to add a new category of noncitizens subject to mandatory detention. Under the new
6 provision, § 1226(c)(1)(E), detention is required if: (1) the noncitizen is inadmissible under
7 paragraph (6)(A), (6)(C), or (7) or § 1182(a) of Title 8,³ and (2) the noncitizen is *charged with*,
8 *arrested for*, or *convicted of* acts which constitute the essential elements of burglary, theft,
9 larceny, and shoplifting. 8 U.S.C. § 1226(c)(1)(E). Unlike the IIRIRA amendments, however,
10 the LRA provides no exception for mistaken arrests, dismissed charges, or acquittals. *Id.* Nor
11 did Congress cite any data linking mere arrests or charges for these offenses with higher risks of
12 flight or danger. *Id.*

13 44. Lastly, 8 U.S.C. § 1225(b) provides mandatory detention for two categories of
14 noncitizens: (1) noncitizens subject to expedited removal under § 1225(b)(1); and (2) noncitizens
15 “seeking admission” at the border under § 1225(b)(2). *See Jennings*, 583 U.S. at 287 (2018)
16 (noting that this process generally begins at the Nation’s borders and ports of entry).

17 **Entry Without Inspection**

18 45. After Congress passed IIRIRA, the Executive Office of Immigration Review (“EOIR”)
19 drafted new regulations explaining that, generally, people who entered the country without
20 inspection were not considered detained under § 1225 and were instead detained under §

21
22 ³ These grounds of inadmissibility are, generally: presence in the United States without being
23 admitted or paroled. 8 U.S.C. § 1182(a)(6)(A)(i); seeking to procure a visa, other
documentation, or admission into the United States by fraud or misrepresentation. §
1182(a)(6)(C)(i); and failure to possess a valid immigrant visa, reentry permit, border crossing
identification card, or other valid entry document required by this chapter. § 1182(a)(7)(A)(i)(I).

1 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens;
2 Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6,
3 1997).

4 46. Accordingly, in the decades after IIRIRA, those who entered without inspection were
5 placed in standard removal proceedings and generally received bond hearings, unless they were
6 ineligible for bond due to their criminal history.

7 47. On July 8, 2025, ICE, “in coordination with” the Department of Justice (“DOJ”),
8 announced a new policy that reversed decades of well-established practice and understanding of
9 the statutory framework.

10 48. The new policy, entitled “Interim Guidance Regarding Detention Authority for
11 Applicants for Admission,”⁴ claims that all persons who entered the United States without
12 inspection shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore
13 are subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies
14 regardless of when a person is apprehended and affects those who have resided in the United
15 States for months, years, and even decades.

16 49. On September 5, 2025, the BIA published a new decision holding that IJs lack
17 jurisdiction to grant bond to individuals present in the U.S. without admission. *Matter of Yajure*
18 *Hurtado*, 29 I. & N. 216 (BIA 2025).⁵ The BIA held that all persons who entered the U.S.
19 without inspection are considered “applicants for admission” under 8 U.S.C. § 1225(a)(1) and
20 are therefore subject to mandatory detention under § 1225(b)(2)(A), rendering them ineligible for
21 bond hearings before an IJ.

22 _____
23 ⁴ Available at [https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-
authority-for-applications-for-admission](https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission).

⁵ Available at <https://www.justice.gov/eoir/media/1413311/dl?inline>.

1 50. The BIA’s interpretation defies the INA. Section 1226(a) applies by default to all
2 persons “pending a decision on whether the [noncitizen] is to be removed from the United
3 States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or
4 deportability of a[] [noncitizen].”

5 51. The text of § 1226 also explicitly applies to people charged as being inadmissible,
6 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph
7 (E)’s reference to such people makes clear that, by default, such people are afforded a bond
8 hearing under subsection (a). Section 1226 therefore leaves no doubt that it applies to people
9 who face charges of being inadmissible to the United States, including those who are present
10 without admission or parole.

11 52. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently
12 entered the United States. The statute’s entire framework is premised on inspections at the
13 border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A).
14 Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the
15 Nation’s borders and ports of entry, where the Government must determine whether a[]
16 [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281,
17 287 (2018).

18 53. The BIA’s novel interpretation of § 1225(b)(2)(A) would deem the LRA meaningless and
19 duplicative. The LRA specifically targets individuals who are inadmissible under §
20 1182(a)(6)(A) for entering without inspection, but *only* when they also face the criminal
21 liabilities enumerated in the LRA. If § 1225(b)(2)(A) already required mandatory detention for
22 all who entered without inspection—as the BIA now claims—the LRA would add nothing new.
23 Congress would not have created mandatory detention rules for a group already swept in, leaving

1 the LRA without any independent effect. Courts reject such interpretations because they render
2 statutes superfluous. *See Duncan v. Walker*, 533 U.S. 167, 174 (2001).

3 54. The statutory text is plain. The LRA carved out a narrow group for mandatory
4 detention—not *all* who entered without inspection. But the BIA’s new interpretation erases
5 much of § 1226, contradicts the LRA, and departs from the government’s own position held until
6 July 2025. No statutory amendment changed the text of either § 1225 or § 1226. The only
7 change is the BIA’s sudden reinterpretation. That shift confirms the interpretation is plainly
8 wrong.

9 55. To the extent that the INA’s text is ambiguous, this Court should resolve it in favor of
10 liberty. The Supreme Court has long applied the rule of lenity in criminal cases, holding that
11 “ambiguity concerning the ambit of criminal statutes should be resolved in favor of lenity.”
12 *United States v. Bass*, 404 U.S. 336, 347 (1971) (internal citations omitted). Under the rule of
13 lenity, “any reasonable doubt about the application of a penal law must be resolved in the favor
14 of liberty.” *Wooden v. United States*, 595 U.S. 360, 388 (2022) (Kavanaugh, J., concurring).

15 56. That same principle applies here, as the Supreme Court has recognized that the rule of
16 lenity applies in the immigration context. *See Clark v. Martinez*, 543 U.S. 371, 380 (2005)
17 (quoting *Leocal v. Ashcroft*, 543 U.S. 1, 11–12, n. 8 (2004)); *INS v. Cardoza-Fonseca*, 480 U.S.
18 421, 449 (1987).

19 57. Further, courts are guided “by the general rule to resolve any ambiguities in a jurisdiction
20 stripping statute in favor of the narrower interpretation and by the strong presumption in favor of
21 judicial review.” *Arce v. United States*, 899 F. 3d 796, 801 (9th Cir. 2018) (*per curiam*) (internal
22 quotations and citations omitted). Adopting the DHS’ interpretation of the INA would strip this
23

1 Court of jurisdiction to adjudicate the instant petition. This directly contradicts the strong
2 presumption in favor of judicial review when interpreting INA provisions.

3 58. Because § 1225(b) governs the detention of noncitizens seeking admission, Petitioners
4 are not subject to mandatory detention. Petitioners have lived in the United States for decades,
5 they are currently not seeking admission, and DHS has not designated them as an individual
6 “seeking admission” into the U.S. Therefore, they are instead subject to § 1226, which applies to
7 noncitizens who are already present in the United States.

8 **CLAIMS FOR RELIEF**

9 **Count 1 – Violation of the INA**

10 59. Petitioners incorporate by reference the allegations of fact set forth in the preceding
11 paragraphs.

12 60. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
13 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
14 relevant here, it does not apply to those who previously entered the country and have been
15 residing in the United States prior to being apprehended and placed in removal proceedings by
16 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to
17 § 1225(b)(1), § 1226(c), or § 1231.

18 61. The application of § 1225(b)(2) to Petitioners unlawfully mandates their continued
19 detention and violates the INA.

20 **Count 2 – Violation of Due Process**

21 62. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the
22 preceding paragraphs as if fully set forth herein.

1 63. The government may not deprive a person of life, liberty, or property without due process
2 of law. U.S. Const. amend. V. Due process applies to *all*, including noncitizens. *See Zadvydas*
3 *v. Davis*, 533 U.S. 678, 679 (2001) (due process applies whether one’s presence is lawful,
4 unlawful, temporary, or permanent); U.S. Const. amend. V.

5 64. Petitioners’ fundamental liberty interests are at stake. Freedom from government-
6 imposed restraint is the most significant liberty interest that exists. *Hamdi v. Rumsfeld*, 542 U.S.
7 507, 529 (2004); *see also Zadvydas*, 533 U.S. at 690 (stating that freedom from imprisonment
8 lies at the heart of the liberty that the Clause protects).

9 65. Application of 8 U.S.C. § 1226(c)(1)(E)(ii) to Petitioners would violate their right to due
10 process. Their detention is not based on criminal charges or a conviction that renders Petitioners
11 subject to mandatory detention.⁶ Further, the IJs in each Petitioner’s case have granted bond in
12 the alternative if a federal court determines the IJs in fact have jurisdiction. Preventing
13 Petitioners from posting those bonds deprives Petitioners of the opportunity to reunite with their
14 community, work to financially provide for their family, and access resources to assist with their
15 immigration proceedings.

16 66. Because Petitioners have already had bond hearings, there is no undue burden on
17 Respondents in this case. Instead, it would enable Respondents to satisfy legitimate government
18 interests. The IJs at each bond hearing found Petitioners are not a danger or flight risk, and set
19

20 ⁶ Petitioner Lidio Lopez Lopez has a conviction for low level possession of controlled substance
21 under NRS § 453.336, specifically, for possessing datura, a substance in the Nevada controlled
22 substances list. *See Exh. M* (Judgment of Conviction for Lidio Lopez Lopez); *see also Exh. N*
23 (Guilty Plea Agreement and Amended Indictment for Lidio Lopez Lopez), at 58–59. The IJ
granted an alternative bond on December 12, 2025, after stating on the record that his offense
was not a controlled substance offense subjecting him to mandatory detention. *See Exh. O*
(Lidio Lopez Lopez, Order of the IJ, dated December 12, 2025). Indeed, her only jurisdictional
order related to *Matter of Yajure Hurtado*. *See id.*

1 low bonds in the alternative for each or stated on the record that but for the BIA's decision, it
2 would enter a low bond. *See Exh. E* (Declaration of Chantell Abou-Hamdan, Esq.); *see also*
3 *Exh. J* (Alfonso Mario Rios Rios, Order of the IJ, dated December 12, 2025); *see also Exh. O*
4 (Lidio Lopez Lopez, Order of the IJ, dated December 12, 2025). Notably, DHS did not reserve
5 appeal of the alternative orders granting bond in Petitioners Alfonso Mario Rios Rios or Lidio
6 Lopez Lopez's cases, indicating DHS agreed with the IJ's dangerousness determination and
7 amounts set. *See Exh. J* (Alfonso Mario Rios Rios, Order of the IJ, dated December 12, 2025);
8 *see also Exh. O* (Lidio Lopez Lopez, Order of the IJ, dated December 12, 2025). Regarding
9 Petitioner Jose Alberto Gonzalez Hernandez, though the IJ did not enter an official alternative
10 order, the IJ stated on the record that if not for *Matter of Yajure Hurtado*, he would enter the
11 minimum bond at \$1,500. *See Exh. E* (Declaration of Chantell Abou-Hamdan, Esq.).

12 67. Respondents have already ensured that detention is unnecessary and therefore saved
13 government resources long-term. In contrast, keeping Petitioners detained when an IJ has
14 determined they are fit for release but for *Matter of Yajure Hurtado* is a substantial burden for
15 Petitioners. They have been incarcerated and separated from their family for various months,
16 they have been unable to work despite being their family's primary provider, and have limited
17 access to resources to pursue their relief claims.

18 68. The government continues to detain Petitioners, and the BIA's recent decision bars IJs
19 from granting bond hearings to all individuals who entered the U.S. without inspection, even if
20 IJs determine those persons are not a danger to the community or a flight risk. The BIA's
21 decision rests on a flawed reading of the INA and violates Petitioners' due process rights.

22 //

23 //

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Enjoin Respondents from transferring Petitioners outside the District of Nevada;
- c. Issue a writ of habeas corpus requiring the Immigration Court to schedule a bond hearing within seven (7) days for any Petitioner without an alternative bond order in place, or in the alternative, order Petitioners' immediate release from detention;
- d. Issue a writ of habeas corpus ordering Respondents comply with any previously issued IJ orders finding no jurisdiction pursuant to *Matter of Yajure Hurtado* but granting bond in the alternative within three (3) days of this Court's order, or in the alternative, order Petitioners' immediate release from detention.
- e. Award Petitioners attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- f. Grant any other and further relief that this Court deems just and proper.

DATED this 13th day of December 2025.

Respectfully Submitted,

/s/ Melissa Corral

Melissa Corral
Nevada Bar. No. 14182

/s/ Alissa A. Cooley Yonesawa

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EXHIBIT LIST

Exhibit	Document	Page
A	Declaration of Jose Alberto Gonzalez Hernandez	PET001-004
B	Article from Boise State Public Radio, dated October 20, 2025	PET005-009
C	Jose Alberto Gonzalez Hernandez, Notice to Appear	PET010-014
D	Jose Alberto Gonzalez Hernandez, Order of the IJ, dated November 3, 2025	PET015-017
E	Declaration of Chantell Abou-Hamdan, Esq.	PET018-020
F	Jose Alberto Gonzalez Hernandez, Order of the IJ, dated December 1, 2025	PET021-023
G	Declaration of Alfonso Mario Rios Rios	PET024-027
H	Alfonso Mario Rios Rios, I-213	PET028-031
I	Alfonso Mario Rios Rios, NTA	PET032-036
J	Alfonso Mario Rios Rios, Order of the IJ, dated December 12, 2025	PET037-039
K	Lidio Lopez Lopez, Partial NTA, pages 1 and 4 of 4	PET040-042
L	Declaration of Lidio Lopez Lopez	PET043-047
M	Lidio Lopez Lopez, Judgment of Conviction	PET048-050
N	Lidio Lopez Lopez, Guilty Plea Agreement and Second Amended Indictment	PET050-060
O	Lidio Lopez Lopez, Order of the IJ, dated December 12, 2025	PET061-063