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 9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 In Re Alejandro Pueblas Rojas

Case No. 2:25-cv-02548-RFB-BNW

**Federal Respondents’ Response to the
 Petition for Writ of Habeas Corpus,
 ECF No. 1, and Order to Show Cause,
 ECF No. 4**

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 16 The Federal Respondents hereby submit this Response to the Petition for Writ of
 17 Habeas Corpus (ECF No. 1) submitted by Alejandro Pueblas Rojas (“Petitioner” or
 18 “Pueblas Rojas”) and the Court’s Order (ECF No. 4) requiring Federal Respondents to
 19 show cause why the Petition should not be granted. The Federal Respondents are amenable
 20 to receiving a ruling on the papers and are willing to waive a hearing.

21 **I. Introduction**

22 The Petition asks the Cour to set “bail,” which Federal Respondents interpret as a
 23 request that the Court order the Federal Respondents to provide Petitioner with a bond
 24 hearing or release him from DHS custody on bond. *See* ECF No. 1, at 6, 7 (“I am being
 25 detained without bail . . . I ask [] for Bail to be set.”)

26 The Federal Respondents maintain that Petitioners’ detention under 8 U.S.C. § 1225
 27 is lawful. The issues presented in this case are not novel as they are substantially similar to
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1 arguments that have been recently litigated in other proceedings before this Court and other
2 district courts.

3 Accordingly, for the reasons stated below—and as set forth more fully in the United
4 States' prior responses in *Jacobo Ramirez v. Noem*, Case No. 2:25-cv-02136-RFB-MDC (D.
5 Nev. Oct. 30, 2025) (attached herein as Exhibit A) and *Morales Rondon v. Bernacke*, Case No.
6 2:25-cv-01979-RFB-BNW (D. Nev. Oct. 15, 2025) (attached herein as Exhibit B) as
7 incorporated herein—Petitioners fail to demonstrate that they are entitled to the relief
8 requested.

9 II. Factual Background

10 Petitioner is a citizen and national of Mexico. Exhibit E, at 1. He was born on July
11 23, 1994, in Palmar de Bravo, Puebla, Mexico. *Id.* He entered the United States at an
12 unknown place and on an unknown date, without being admitted or paroled after
13 inspection by an immigration officer. *Id.* He does not possess a valid immigrant visa,
14 nonimmigrant visa, reentry permit, border crossing card, or any other valid entry document
15 as required by the Immigration and Nationality Act (“INA”). *Id.*

16 On November 22, 2025, Immigration and Customs Enforcement (“ICE”) officers
17 encountered Petitioner at or near 1014 Sidehill Way, Las Vegas, Nevada, during a targeted
18 immigration enforcement operation, in compliance with federal law and agency policy.
19 Exhibit E, at 2–3. ICE officers conducted surveillance of a white van, made contact with the
20 occupants, and questioned Petitioner regarding his immigration status. *Id.* Petitioner
21 verbally confirmed his identity and stated that he is a citizen of Mexico. *Id.* He further
22 admitted that he did not have authorization to work or reside in the United States. *Id.*
23 Petitioner was arrested without incident and transported to the local ICE office for
24 processing. *Id.*

25 Petitioner's immigration history reflects that on January 25, 2022, United States
26 Border Patrol encountered him and granted him a voluntary return to Mexico. Exhibit E, at
27 3. On January 26, 2022, United States Border Patrol again encountered Petitioner and
28 granted him a voluntary return to Mexico. *Id.*

1 On November 22, 2025, DHS issued Petitioner a Notice to Appear charging him as
2 removable pursuant to INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). Exhibit C, at 1. On
3 December 16, 2025, Petitioner appeared before the Las Vegas Immigration Court and
4 requested a custody redetermination pursuant to 8 C.F.R. § 1236. Exhibit D, at 1. The
5 Immigration Judge denied the request, concluding that Petitioner had not been admitted to
6 the United States and that the court therefore lacked jurisdiction over bond under binding
7 Board of Immigration Appeals precedent. *Id.* The Immigration Judge further stated that if
8 jurisdiction were later found to exist, a bond amount of \$2,500 plus alternatives to detention
9 at the discretion of DHS would be appropriate. *Id.*

10 Petitioner remains in ICE custody pending the resolution of his removal proceedings.

11 III. Argument

12 A. Incorporation By Reference of United States' Prior Response

13 Federal Respondents hereby incorporate by reference the Federal Respondents'
14 Responses in *Jacobo Ramirez v. Noem*, Case No. 2:25-cv-02136-RFB-MDC (D. Nev. Oct. 30,
15 2025) (attached herein as Exhibit A) and *Morales Rondon v. Bernacke*, Case No. 2:25-cv-
16 01979-RFB-BNW (D. Nev. Oct. 15, 2025) (attached herein as Exhibit B), as though fully
17 set forth herein.¹ The *Jacobo Ramirez* and *Morales Rondon* Responses address substantially
18 the same statutory and constitutional questions at issue in the case at bar regarding DHS's
19 authority to detain individuals under § 1225(b)(2)(A) who are not yet admitted and whose
20 cases remain in pending removal proceedings.

21 For efficiency and consistency, Respondents adopt the *Jacobo Ramirez* and *Morales*
22 *Rondon* Responses in full. As the responses demonstrate, Petitioner's lawful detention under
23 § 1225(b)(2)(A) is mandatory by statute. Further, as the responses demonstrate, the Court
24 lacks jurisdiction to adjudicate this matter.

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¹ The Court has endorsed the incorporation by reference of prior government filings in related or substantively identical immigration habeas petitions, recognizing the efficiency of unified briefing given the number of overlapping cases presenting identical questions under 8 U.S.C. § 1225(b)(2)(A) and § 1226(a).

1 **B. A Growing Body of Well-Reasoned and Persuasive Authority Supports the**
2 **Federal Respondents' Legal Positions**

3 In addition to the arguments set forth in the responses incorporated here, the United
4 States notes the following decisions that have found that, when the law is properly
5 interpreted and applied, the law supports the Federal Respondents' positions in the case at
6 bar: *Pena v. Hyde*, No. 25-11983, 2025 WL 2108913 (D. Mass. July 28, 2025); *Chavez v.*
7 *Noem*, No. 25-02325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Vargas Lopez v. Trump*,
8 No. 25-526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025); *Barrios Sandoval v. Acuna*, No. 25-
9 01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Silva Oliveira v. Patterson*, No. 25-01463,
10 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Mejia Olalde v. Noem*, No. 25-00168, 2025 WL
11 3131942 (E.D. Mo. Nov. 10, 2025). As *Mejia Olalde* observes, "the overwhelming majority
12 of district courts sometimes get the law very wrong," and the decisions cited here underscore
13 that this Court now has a meaningful opportunity to revisit its prior interpretation with the
14 benefit of a growing body of well-reasoned and persuasive authority.

14 **IV. CONCLUSION**

15 For the foregoing, the Federal Respondents request that the Petition be denied in its
16 entirety.

17 Respectfully submitted this 6th day of January 2026.

18
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