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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 In Re Alejandro Pueblas Rojas

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

16 **Reply to Respondents' Response to
17 the Petition and Order to Show
18 Cause**

19 POINTS AND AUTHORITIES

20 As this Court indicated in the order to show cause, this case falls squarely
21 under this Court's prior decision in *Escobar Salgado v. Mattos*, No. 2:25-CV-01872-
22 RFB-EJY, 2025 WL 3205356 (D. Nev. Nov. 17, 2025).¹ Mr. Pueblas Rojas was
23 arrested on November 22, 2025, because he entered the United States without
24 lawful admission (otherwise known as without inspection).² ICE officers indicated

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27 ¹ ECF No. 4 at 1.

² ECF No. 8-5 at 2-3.

1 that his detention was mandatory.³ At a “custody redetermination” hearing in
2 immigration court on December 16, 2025, the immigration judge ruled that she was
3 bound by the BIA’s decision in *Matter of Yajure-Hurtado*, which held that the
4 immigration court “lacks jurisdiction over bond for individuals who have not been
5 admitted.”⁴ The judge added that, “[i]f this Court is found to have jurisdiction, the
6 Court determines that bond in the amount of \$2,500 plus alternatives to detention
7 at the discretion of the DHS is an appropriate amount to ensure the respondent’s
8 future appearance at immigration proceedings.”⁵

9 This Court should grant the petition and order that Pueblas Rojas be
10 released from custody subject to the bond and the other conditions the immigration
11 judge set in her order.

12 Petitioner is amenable to receiving a ruling on the papers and is willing to
13 waive a hearing, unless this Court believes that the immigration judge’s order is
14 insufficient to establish that release on bond is the proper form of relief.

15 **I. This Court should order Petitioner released on bond**

16 Based on the documents Respondents have submitted to this Court, the
17 situation here falls squarely under this Court’s decision in *Escobar Salgado*.
18 Pueblas Rojas was arrested for entering the country without inspection. At the
19 “custody redetermination” proceeding, the immigration judge ruled that she did not
20 have jurisdiction to issue a bond because Pueblas Rojas entered the country without
21 inspection, relying upon the BIA’s decision in *Matter of Yajure-Hurtado*, 29 I&N
22 Dec. 216 (BIA 2025). She further stated that, if she did have jurisdiction, she would
23 issue a \$2,500 bond.

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26 ³ ECF No. 8-5 at 4.

27 ⁴ ECF No. 8-4 at 1.

⁵ ECF No. 8-4 at 2.

1 Under this Court's decision in *Escobar Salgado*, mandatory detention is
2 unlawful under the INA and unconstitutional under the Due Process Clause.
3 Contrary to Respondents' suggestion that Pueblas Rojas should be given a bond
4 hearing,⁶ the appropriate relief here is release subject to a \$2,500 bond. A bond
5 hearing is unnecessary. The "custody redetermination" hearing was essentially a
6 bond hearing. At that hearing, the immigration judge indicated that, if she had
7 jurisdiction, she would issue a \$2,500 bond. There does not need to be another
8 hearing. The appropriate relief here is for release on the \$2,500 bond.

9 **II. Respondents have not presented any new arguments for this Court
10 to consider**

11 In the scheduling order, this Court instructed Respondents that, if they have
12 no new arguments on the mandatory detention issue that this Court has not
13 previously addressed, they should submit pleadings they filed in other cases.⁷
14 Respondents complied with these instructions and submitted pleadings from two
15 other cases, *Jacobo Ramirez v. Noem*, No. 2:25-cv-02136-RFB-MDC, ECF No. 39 (D.
16 Nev. Dec. 3, 2025),⁸ and *Morales Rondon v. Bernacke*, No. 2:25-cv-01979-RFB-BNW,
17 ECF No. 8 (D. Nev. Oct. 31, 2025).⁹ The arguments raised in these pleadings have
18 already been rejected by this Court in *Escobar Salgado*. See *Escobar Salgado*, 2025
19 WL 3205356 at *8-25. Further, the petitioners in those two cases have been granted
20 relief.¹⁰

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23 ⁶ ECF No. 8 at 1.

24 ⁷ ECF No. 4 at 2.

25 ⁸ ECF No. 8-1.

26 ⁹ ECF No. 8-2.

27 ¹⁰ *Jacobo Ramirez v. Noem*, No. 2:25-cv-02136-RFB-MDC, ECF No. 35 (D.
Nev. Nov. 24, 2025) (preliminary injunction granted); *Morales Rondon v. Bernacke*,
No. 2:25-cv-01979-RFB-BNW, ECF No. 11 (D. Nev. Dec. 9, 2025) (petition granted).

1 Respondents also suggest that “a growing body of well-reasoned and
2 persuasive authority . . . underscore[s] that this Court now has a meaningful
3 opportunity to revisit its prior interpretation”¹¹ Respondents cite to six cases
4 from other districts.¹² However, all six of the cases that Respondents cite were
5 decided prior to this Court’s decision in *Escobar Salgado*, which was decided on
6 November 17, 2025. Thus, these cases were in existence at the time of that decision
7 and do not provide any basis for this Court to revisit its prior ruling.

8 **III. Conclusion**

9 The petition should be granted. This Court should order the same relief
10 issued to Escobar Salgado: release Pueblas Rojas from custody subject to the \$2,500
11 bond and the other conditions mentioned in the immigration judge’s order. Pueblas
12 Rojas should be provided two weeks to satisfy the bond conditions.

13 Dated January 13, 2026.

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15 Respectfully submitted,

16 Rene L. Valladares
17 Federal Public Defender

18 /s/ Jonathan M. Kirshbaum
19 Jonathan M. Kirshbaum
20 Assistant Federal Public Defender
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26 ¹¹ ECF No. 8 at 4.

27 ¹² ECF No. 8 at 4 (citing cases).