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

8 Daniel RIVERA MEDINA,
9 *Petitioner,*

10 v.

11 Jason KNIGHT, Field Office Director, Salt
Lake City Field Office, U.S. Immigration and
12 Custom Enforcement, Enforcement and
Removal Operations Division;

13 John MATTOS, Warden, Nevada Southern
14 Detention Center;

15 Kristi NOEM, Secretary, United States
Department of Homeland Security;

16 Pamela BONDI, Attorney General of the United
17 States,

Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C.
§ 2241**

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1 I. INTRODUCTION

2 1. This petition challenges the unlawful detention of Petitioner, Daniel Rivera
3 Medina, a 32-year-old, from Mexico who has resided in the United States for more than 10 years.
4 Petitioner has criminal convictions. The first was an infraction for possessing an open container of
5 alcohol in his vehicle in March 2016. The second was a misdemeanor conviction for DUI in
6 October of 2017. However, Mr. Rivera Medina was detained on October 19, 2025, at a racetrack
7 in Idaho during a large-scale enforcement operation. He was not involved in, nor charged with any
8 illegal or illicit activity and was detained as a collateral arrest. Petitioner has since been held in the
9 custody of the Nevada Southern Detention Center (NSDC) in Pahrump, Nevada.

10 2. This detention is a substantial deprivation and burden that puts Petitioner and his
11 family at risk without his parental and financial support.

12 3. The Department of Homeland Security (DHS) asserts that Petitioner is subject to
13 mandatory detention under 8 U.S.C. § 1225(b), because he entered the United States without
14 inspection, despite Congress’s separate detention framework in 8 U.S.C. § 1226(a), which governs
15 interior arrests and provides discretionary bond and immigration-judge (“IJ”) review.

16 4. On November 24, 2025, the Immigration Court denied his motion for bond. Though
17 not directly cited in the written order, the Immigration Court found that it did not have jurisdiction
18 to hear the matter, indirectly citing *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). This
19 court already found in *Maldonado Vazquez v. Feely*, Case No. 2:25-cv-01542-RFB-EJY, that
20 §1225 subjects, “noncitizens who are present and who have resided in the U.S. for an extended
21 period—to permissive detention.” *Id.*, at 26. The Immigration Court’s adoption of DHS’s position
22 in light of *Hurtado* is denying Mr. Rivera Medina access to a bond hearing under 8 U.S.C. § 1226.

1 5. Petitioner is eligible to apply for Cancellation of Removal and Adjustment of Status
2 for Certain Nonpermanent Residents under 8 U.S.C. § 1229b(b) with the Immigration Court.
3 Cancellation of Removal under § 1229b(b) requires: physical presence in the U.S. for a continuous
4 period of not less than ten (10) years from issuance of the Notice to Appear (NTA); good moral
5 character during that period as defined in section 101(f) of the INA; no convictions of disqualifying
6 offenses under the INA; and that removal would result in exceptional and extremely unusual
7 hardship to the U.S. citizen spouse, parent, or child. Mr. Rivera Medina has been residing in the
8 U.S. for more than 10 years from the issuance of his NTA. While his convictions for open container
9 and driving under the influence occurred in 2016 and 2017 occurred inside the statutory period,
10 they are not dispositive of good moral character in light of the positive equities he would be able
11 to demonstrate in his case, and do not constitute disqualifying offenses. His qualifying relatives
12 are his minor U.S. citizen child and stepchild and his U.S. Citizen Spouse.

13 6. Mr. Rivera Medina has also already begun work on a spouse-based visa petition.
14 He and his wife filed for a visa with USCIS in September 2024. That visa remains pending today.
15 But for the government's long visa processing times, this could have already been approved and
16 this family could have already begun working on their next steps towards legalization in the United
17 States.

18 7. Mr. Rivera Medina asks this Court to hold that his continued detention under
19 *Hurtado* is unlawful as a matter of statutory interpretation and due process. *Hurtado* contradicts
20 the Immigration and Nationality Act's (INA) text, the canon against surplusage, longstanding
21 administrative practice, and Due Process. Respondents cannot thus justify Mr. Rivera Medina's
22 present detention and hold him in contravention of law.

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1 8. Petitioner respectfully asks this Court to grant his petition and issue a writ of habeas
2 corpus or, in the alternative, to order Respondents to show cause *within three days*, providing their
3 reasons, if any, as to why his detention is lawful. 28 U.S.C. § 2243. Because Respondents cannot
4 justify Petitioner’s ongoing detention, he urges this Court to grant his petition and order
5 Respondents to immediately release him or, at minimum, hold a prompt custody redetermination
6 under § 236(a). 28 U.S.C. § 2241.

7 **II. JURISDICTION**

8 9. Respondents currently detain Mr. Rivera Medina in civil immigration custody at
9 the Nevada Southern Detention Center (NSDC) in Pahrump, Nevada.

10 10. This action arises under the Immigration and Nationality Act (INA), 8 U.S.C. §
11 1101 et seq., the Administrative Procedure Act (APA) 5 U.S.C. § 702, 706, and the Due Process
12 Clause of the Fifth Amendment of the Constitution of the United States.

13 11. This Court has jurisdiction under Art. I, § 9, cl. 2 of the United States Constitution
14 (the Suspension Clause); 28 U.S.C. § 2241 (general grant of habeas authority to district courts);
15 28 U.S.C. § 1331 (federal question jurisdiction); and 28 U.S.C. §§ 2201, 2202 (Declaratory
16 Judgment Act), and the All Writs Act, 28 U.S.C. § 1651.

17 12. The federal habeas statute establishes this Court’s power to decide the legality of
18 Mr. Rivera Medina’s detention and directs courts to “hear and determine the facts” of a habeas
19 petition and to “dispose of the matter as law and justice require.” 28 U.S.C. § 2243; *see also Hilton*
20 *v. Braunskill*, 481 U.S. 775 (1987) (explaining that as far back as the nineteenth century, “the Court
21 interpreted the predecessor of [the habeas statute] as vesting a federal court with the largest power
22 to control and direct the form of judgment to be entered in cases brought up before it on habeas
23 corpus”) (internal quotation marks and citation omitted).

1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
2 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
3 receives prompt action from him within the four corners of the application.” *Yong v. INS*, 208 F.3d
4 1116, 1120 (9th Cir. 2000) (citation omitted). Due to the nature of this proceeding, Petitioner asks
5 this Court to expedite proceedings in this case as necessary and practicable for justice.

6 **V. PARTIES**

7 19. Petitioner Daniel Rivera Medina is a citizen of Mexico who entered the United
8 States over 10 years ago and has resided in the United States since then. ICE detained him and
9 placed him in removal proceedings in October of 2025. ICE currently detains him at the Nevada
10 Southern Detention Center in Pahrump, Nevada.

11 20. Respondent Jason Knight is sued in his official capacity as the Field Office
12 Director, Salt Lake City Field Office, U.S. Immigration and Custom Enforcement, Enforcement
13 and Removal Operations Division (ERO) for U.S. Immigration and Customs Enforcement (ICE).
14 Respondent Knight oversees the ICE Nevada Field Office and is responsible for Petitioner’s
15 detention and removal.

16 21. Respondent John Mattos is sued in his official capacity as warden of the Nevada
17 Southern Detention Center. He is an employee of CoreCivic, which contracts with ICE to hold
18 noncitizens in its custody at Nevada Southern. He has immediate physical custody of Petitioner.

19 22. Respondent Kristi Noem is sued in her official capacity as the Secretary of DHS.
20 She is responsible for the implementation and enforcement of the Immigration and Nationality Act
21 (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate
22 custodial authority.

23

1 family ties, community ties, and the visa petition already filed on his behalf by his spouse. *See*
2 Exh. 1, Petitioner's First Immigration Court filing in bond proceedings.

3 29. On November 24, 2025, the IJ denied Petitioner's bond request for lack of
4 jurisdiction based on the BIA decision *Matter of Yajuare Hurtado*, 29 I&N Dec. 216 (BIA 2025).
5 *See* Exh. 6 Order of the Immigration Judge denying bond, November 24, 2025.

6 30. On November 25, 2025, the United States District Court for the Central District of
7 California certified a nationwide class and extended declaratory judgment to the certified class in
8 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL
9 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named
10 Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.
11 Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-
12 Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory
13 judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

14 31. Based on the class certification in *Maldonado Bautista*, Mr. Rivera Medina again
15 petitioned for bond with the Immigration Court. *See* Exh. 2, Petitioner's Second Immigration Court
16 filing in bond proceedings.

17 32. On December 15, 2025, that bond request was again denied for lack of jurisdiction
18 based on the BIA decision *Matter of Yajuare Hurtado*, 29 I&N Dec. 216 (BIA 2025). *See* Exh. 7
19 Order of the Immigration Judge denying bond, December 15, 2025

20 33. For nearly three decades, DHS and EOIR treated individuals arrested in the interior
21 and present without admission as detained under § 1226(a), subject to IJ bond hearings unless §
22 1225(b)(1), § 1226(c), or §1231 applied.

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1 34. Petitioner’s detention has inflicted severe hardship on his family. They are
2 dependent on his work as the main breadwinner for their family. Furthermore, their time apart has
3 cause severe mental and emotional strain during the holiday season.

4 35. Petitioner’s ongoing detention impedes his ability to properly defend against
5 removal, including gathering evidence and coordinating with counsel and witnesses. Petitioner is
6 eligible to apply for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent
7 Residents with the immigration court in his removal proceedings. He also is being denied the
8 opportunity to wait with his family while DHS processes his valid visa claim from his US citizen
9 Spouse. He is currently set for a merit’s hearing on January 16, 2026.

10 36. Petitioner remains detained solely because DHS misclassified his custody under
11 §1225(b) rather than § 1226(a), contrary to statutory text, constitutional principles, and historical
12 practice.

13 VII. LEGAL FRAMEWORK

14 Due Process Clause

15 37. The Fifth Amendment’s Due Process Clause applies to “all persons” within the
16 U.S., including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). “Freedom from
17 imprisonment – from government custody, detention, or other forms of physical restraint – lies at
18 the heart of liberty that the Clause protects.” *Id.* at 690. In the immigration context, detention is
19 constitutionally justified only to prevent flight or protect the community. *Demore v. Kim*, 538 U.S.
20 510, 528 (2003).

21 Statutory Framework for Detention

1 38. Generally, removable noncitizens are subject to detention under one of the three
2 statutory provisions under the Immigration and Nationality Act (INA), depending on the context
3 in which they are arrested and deemed removable.

4 39. First, Section 235(b) 8 U.S.C. § 1225 “applies primarily to [noncitizens] seeking
5 entry into the United States” (applicants for admission) and “mandate[s] detention” of these
6 noncitizens “until certain proceedings have concluded.” *Jennings*, 583 U.S. 281 at 297. As the
7 Supreme Court has clarified, this provision applies “at the Nation’s borders and points of entry.”
8 *Id.* at 287.

9 40. Second, Section 236 (a) 8 U.S.C. § 1226 “applies to [noncitizens] already present
10 in the United States.” *Id.* at 303. § 1226(a) “creates a default rule” permitting detention of
11 removable noncitizens. *Id.* Noncitizens detained under § 1226(a) qualify for release on bond. *Id.*
12 § 1226(c) operates as an exception to § 1226(a)’s general rule in that it mandates detention of
13 noncitizens who “fall[] into one of the enumerated categories involving criminal offenses and
14 terrorist activities.” *Id.* Noncitizens who fall under this mandatory detention provision do not
15 qualify for bond.

16 41. Third, Section 241(b) 8 U.S.C. § 1231 governs detention procedures for individuals
17 with administratively final removal orders. *Maldonado Vazquez*, 2025 WL 2676082, at *4.

18 **Recent Agency Interpretation of Statutory Detention Provisions**

19 42. In July 2025, the BIA issued a decision holding that “an applicant for admission
20 who is arrested and detained without a warrant while arriving in the United States” is subject to
21 mandatory detention under 8 U.S.C. § 1225(b)(1), regardless of whether the noncitizen was
22 arrested at the border or shortly after crossing into the United States. *Matter of Q. Li*, 29 I. & N.
23 Dec. 66, 69 (BIA 2025).

1 47. First, the agency has already considered Mr. Rivera Medina's claims for release.
2 He has twice sought a bond from an IJ who denied his motion for jurisdictional grounds under the
3 erroneous limitations set forth in the BIA's statutory interpretation in *Matter of Yajure-Hurtado*.

4 48. For the same reasons, addressing Mr. Rivera Medina's challenge would not
5 encourage bypassing the administrative proceedings. Here, the agency has predetermined the legal
6 issue underlying his eligibility for bond, after reversing decades of statutory interpretation and
7 practice. *Maldonado Vazquez*, 2025 WL 2676082, at *10.

8 49. Similarly, because the agency is bound by the BIA precedent, individualized
9 administrative review of Mr. Rivera Medina's claims is effectively foreclosed. As such, exhaustion
10 would be futile. *Herrera*, 2025 WL 2581792, *8; *Maldonado Vazquez*, 2025 WL 2676082, at *10.

11 IX. ARGUMENT

12 A. Mr. Rivera Medina's continued detention based on the BIA's erroneous 13 interpretation of § 1225(b)(2) is facially unlawful.

14 50. As the Supreme Court held, "[w]hen the meaning of a statute [is] at issue, the
15 judicial role [is] to interpret the act of Congress, in order to ascertain the rights of the parties."
16 *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385 (2024) (internal quotation marks and citation
17 omitted). Accordingly, "[a] district court may grant a writ of habeas corpus to any person who
18 demonstrates he is in custody in violation of the Constitution or laws of the United States."
19 *Maldonado Vazquez*, [2025 WL 2676082](#), at *4 (citing 28 U.S.C. § 2241(c)(3)). Because the BIA's
20 sweeping interpretation of 8 U.S.C. § 1225(b)(2)(A) is legally erroneous, this Court must order
21 Mr. Rivera Medina released.

22 51. The IJ denied Petitioner's bond request on he basis of lack of jurisdiction from the
23 BIA's decision in *Matter of Yajuare-Hurtado*, which holds that all noncitizens who have not been
formally admitted into the United States ("applicants for admission") are subject to mandatory

1 detention under 8 U.S.C. § 1225(b)(2) regardless of how long they have lived in the United States.
2 29 I. & N. Dec. at 228. This holding contradicts the clear language of the statute, judicial precedent,
3 legislative history, and longstanding agency practice demonstrate. The BIA's erroneous
4 interpretation of § 1225(b)(2) cannot support Mr. Rivera Medina's continued detention.

5 52. As the Supreme Court has explained, immigration screening and enforcement can
6 be separated into two broad categories: border-related enforcement and interior enforcement. *See*
7 *Jennings*, 583 U.S. at 287-89.

8 53. Immigration enforcement "generally begins at the Nation's borders and points of
9 entry." *Id.* at 287. § 1225 governs enforcement actions at the border, where the government
10 determines whether to admit noncitizens who are arriving into the United States or are present but
11 have not been admitted (applicants for admission). *See id.* (quoting 8 U.S.C. § 1225(a)(1)).
12 Noncitizens subject to § 1225 must be detained without the opportunity for a bond hearing for the
13 duration of their proceedings. 8 U.S.C. § 1225(b).

14 54. There are two broad classes of noncitizens subject to § 1225 mandatory detention.
15 First, § 1225(b)(1), the expedited removal provision, pertains to "arriving" noncitizens and
16 noncitizens who have not been admitted and cannot demonstrate that they have been present in the
17 United States for at least two years. Unless they raise a fear of return to their home country, these
18 noncitizens can be administratively removed without being placed in removal proceedings. *See* 8
19 U.S.C. § 1225(b)(1). § 1225(b)(2) on the other hand pertains to "applicant[s] for admission" who
20 are "not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2).

21 55. Conversely, § 1226 "applies to [noncitizens] already present in the United States."
22 *Jennings*, 583 U.S. at 303. § 1226(a) "creates a default rule" permitting detention of removable
23 noncitizens. *Id.* Noncitizens detained under § 1226(a) qualify for release on bond. *Id.* § 1226(c)

1 operates as an exception to 1226(a)'s general rule in that it mandates detention of noncitizens who
2 "fall[] into one of the enumerated categories involving criminal offenses and terrorist activities."

3 *Id.* Noncitizens who fall under this mandatory detention provision do not qualify for bond.

4 56. Notably, § 1226(c) mandates detention for noncitizens based on crime-based
5 inadmissibility grounds, which apply to noncitizens who have not been formally admitted into the
6 United States, as well as deportability grounds, which apply to noncitizens who have been
7 previously admitted but are nonetheless removable. *See* 8 U.S.C. § 1226(c)(1). In fact, Congress
8 recently enacted a new ground for mandatory detention under § 1226(c) under the Laken Riley
9 Act, which mandates detention for noncitizens who are *inter alia* present in the United States
10 without being admitted or paroled, 8 U.S.C. § 1182(a)(6)(A), and who have been charged, arrested,
11 convicted or who admit to having committed certain enumerated crimes. 8 U.S.C. § 1226(c)(1)(E).

12 57. *Matter of Yajure-Hurtado*, however, holds that § 1226 applies only to deportable
13 noncitizens—i.e. those who have been admitted— and that § 1225(b)(2)(A) applies to all
14 noncitizens who have not been properly admitted, regardless of how long they have lived in the
15 United States. *Matter of Yajure-Hurtado*, 29 I. & N. Dec. at 220-21. The plain language of the
16 statute makes it clear that the BIA's sweeping interpretation of § 1225(b)(2) is erroneous.

17 58. First, the references to inadmissibility grounds, which *only* apply to noncitizens
18 who have not been admitted—"applicants for admission" as the BIA describes them—in § 1226(c)
19 necessarily mean that noncitizens who are present in the United States without admission and have
20 no disqualifying criminal history are subject to discretionary detention under § 1226(a).

21 59. The BIA's interpretation in *Matter of Yajure-Hurtado*, focuses on the term
22 "applicant for admission" in § 1225 as the only term that could possibly be used to describe a
23 person who has not been admitted and, in doing so, ignoring the full language of the statute. The

1 BIA justified its sweeping interpretation of Section 1225(b) by reasoning that interpreting § 1226
2 as pertaining to noncitizens residing in the United States who have not been formally admitted
3 would “leave unanswered which applicants for admission would be covered by § [1225](b)(2)(A)”
4 and create an improbable third category of noncitizens who are neither applicant’s for admission
5 nor admitted. *Matter of Yajure-Hurtado*, 29 I. & N. Dec. at 221.

6 60. However, this reasoning demonstrates the BIA’s inaccurate assessment of the
7 statute. By focusing too narrowly on the applicant for admission language, the BIA fails to contend
8 with the narrowing clause in § 1225(b)(2), which clarifies that it pertains to applicants for
9 admission who are “not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. §
10 1225(b)(2)(A). Justice Breyer provides a reasonable interpretation that dissipates this purported
11 tension, explaining that § 1225(b)(2):

12 [C]onsists of persons who are neither (1) clearly eligible for admission, nor (2) clearly
13 ineligible. A clearly eligible person is, of course, immediately admitted. A clearly
14 ineligible person—someone who lacks the required documents, or provides fraudulent
15 ones—is “removed ... without further hearing or review.” But where the matter is not
clear, i.e., where the immigration officer determines that an alien “is not clearly and
beyond a doubt entitled to be admitted,” he is detained for a removal proceeding.
Jennings, 583 U.S. 281 at 353 (Breyer, J. dissenting) (internal citations omitted).

16 Unlike the Board’s lack of explanation in *Matter of Yajure-Hurtado*, this interpretation contends
17 with the full text of § 1225(b)(2).

18 61. Accordingly, accepting the BIA’s sweeping interpretation of § 1225(b)(2) as
19 pertaining to all noncitizens who have not been admitted into the United States would violate “one
20 of the most basic interpretive canons, that a statute should be construed so that effect is given to
21 all its provisions, so that no part will be inoperative or superfluous, void or insignificant.” *Corley*
22 *v. United States*, 556 U.S. 303, 314 (2009) (internal quotations omitted). As the District of
23 Minnesota reasoned on this issue,

1 Here, the presumption against superfluity is at its strongest because the Court
2 is interpreting two parts of the same statutory scheme, and Congress even
3 amended the statutory scheme this year when it passed the Laken Riley Act,
4 Pub. L. No. 119-1, 139 Stat. 3 (2025), adding Sub§ (c)(1)(E) to § 1226. The
5 Government's novel interpretation of § 1225(b)(2) runs headlong into that new
6 addition. If § 1225(b)(2) already mandated detention of any alien who has not
7 been admitted, regardless of how long they have been here, then adding §
8 1226(c)(1)(E) to the statutory scheme was pointless.

9 *Aguilar Maldonado*, 2025 WL 2374411, at *12.

10 62. The legislative history further supports a narrow interpretation of § 1225 as
11 inapplicable to noncitizens who reside in the United States but are present without admission.

12 63. Before the enactment of IIRIRA, “immigration law provided for two types of
13 removal proceedings: deportation hearings and exclusion hearings. A deportation hearing was the
14 “usual means of proceeding against an alien already physically in the United States,” while an
15 exclusion hearing was the “usual means of proceeding against an alien outside the United States
16 seeking admission.” *Hose v. INS*, 180 F.3d 992, 994 (9th Cir. 1999) (internal citations omitted).
17 Like § 1226(a), the pre-IIRIRA statute allowed for “discretionary release on bond.” *Rodriguez v.*
18 *Boystock*, 779 F. Supp. 3d 1239, 1260 (W.D. Wash. 2025) (citing 8 U.S.C. § 1252(a)(1) (1994)).

19 64. In enacting IIRIRA, Congress was explicit in its intent to “restate” the prior
20 statute’s provisions regarding arrest, detention, and discretionary release on bond for unlawfully
21 present noncitizens. *Id.* (quoting H.R. Rep. No. 104-469, pt. 1, at 229). As such, Congress sought
22 to preserve the longstanding practice of providing removable noncitizens residing in the United
23 States with discretionary bond hearings.

65. Lastly, it is important to note that the longstanding practice of the government until
the last few months had been to treat “noncitizens arrested while living in the United States,
including those who entered without inspection, as detained under § 1226(a).” *Id.* at 1260. This

1 “longstanding practice of the government . . . can inform [a court's] determination of what the law
2 is.” *Loper Bright*, 603 U.S. at 386.

3 **B. Mr. Rivera Medina’s continued detention violates his procedural due process rights.**

4 66. “[T]he Due Process Clause applies to all persons within the United States, including
5 aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v.*
6 *Davis*, 533 U.S. 678, 695 (2001).

7 67. As this Court has recognized, DHS’s classification under § 1225 is erroneous and
8 that §1226 governs noncitizens “already in the country.” See *Escobar Salgado v. Mattos*, 2:25-
9 CV-01872-RFB-EJY, 2025 WL 3205356, at *22 (D Nev. Nov. 17, 2025) (finding that “the text
10 and canons of statutory interpretation, legislative history, and long history of consistent agency
11 practice, demonstrate . . . that the government’s new interpretation and policy under [§
12 1225(b)(2)(A)], is unlawful”). Mr. Rivera Medina challenges the application of this policy that
13 deprives him of the opportunity for a bond hearing for a determination on his eligibility for release.

14 68. To determine whether detention violates procedural due process, courts apply
15 *Mathews’s* three-prong test. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Under *Mathews*, the
16 court weighs the following three factors: (1) “the private interest that will be affected by the official
17 action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and
18 the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the
19 Government's interest, including the function involved and the fiscal and administrative burdens
20 that the additional or substitute procedural requirement would entail.” *Id.* Each of these factors
21 weighs in favor of Mr. Rivera Medina.

22 69. **Private Interest.** First, Mr. Rivera Medina’s private interest in “freedom from
23 prolonged detention is unquestionably substantial.” *Rodriguez Diaz v. Garland*, 53 F.4th 1189,

1 1207 (9th Cir. 2022) (internal quotations omitted). Mr. Rivera Medina’s substantial freedom
2 interest is bolstered by the conditions of his detention. *Id.*

3 70. Moreover, Mr. Rivera Medina has now been detained for two months away from
4 his family and community. Mr. Rivera Medina has lived in Idaho for over 10 years. *See* Exh. 1, at
5 4. His family, community, and counsel are in the Jerome and greater Boise area. *Id.* His wife and
6 children depend on him emotionally and financially. Mr. Rivera Medina’s physical and mental
7 health is being adversely impacted by his detention. As such, the first *Mathews* prong weighs
8 heavily in Mr. Rivera Medina’s favor.

9 71. ***Risk of Erroneous Deprivation.*** Similarly, the erroneous deprivation factor
10 substantially weighs in Mr. Rivera Medina’s favor due to DHS’s categorical no-bond stance. There
11 are no existing procedures for Petitioner to challenge his detention pending the conclusion of his
12 removal proceedings without the opportunity for release on bond under the government’s policy.
13 The existing procedures set out under § 1226 substantially mitigate the risk of erroneous
14 deprivation of Petitioner’s liberty, because they require the government to establish that he
15 presents a flight risk or danger to the community to continue his detention for the pendency of
16 removal proceedings. This procedure was not accorded to him as his request for bond was denied
17 on jurisdictional grounds due to the limitations in *Yajure-Hurtado*. The government’s application
18 of §1225 in his case elevates the risk of erroneous deprivation to an extraordinarily high level as
19 this application gives ICE and DHS agency officials sole, unguided, and unreviewable discretion
20 to detain Petitioner without any individualized showing of why his detention is warranted. As such,
21 the second *Mathews* factor also weighs heavily in favor of granting Petitioner recognition of his
22 procedural protections under §1226(a).

1 72. **Government’s Interest.** Lastly, the government’s interest and burden resulting
2 from additional process also weighs in favor of Mr. Rivera Medina. While the government may
3 have an interest in detaining dangerous noncitizens or securing a noncitizen’s removal, Mr. Rivera
4 Medina falls under neither of these categories. The government’s interests are broadly safeguarded
5 by the statutory mandatory detention scheme and the IJs authority to make discretionary bond
6 determinations based on a review of the circumstances of the case against sound legal principles.
7 *Maldonado Vazquez*, 2025 WL 2676082, at *21.

8 **C. Mr. Rivera Medina’s continued detention violates his substantive due process rights.**

9 73. Substantive due process protects individuals from government action that unduly
10 interferes with their fundamental rights. *Regino v. Staley*, 133 F.4th 951, 960 (9th Cir. 2025). When
11 a fundamental right is at risk, due process requires the government to have a compelling state
12 interest and to tailor its actions narrowly to serve that interest. *Id.*

13 74. It is well-established that “[f]reedom from imprisonment—from government
14 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause
15 protects.” *Zadvydas*, 533 U.S. 678 at 690. As such, freedom is the norm and the government must
16 justify a noncitizen’s detention by a compelling interest and narrowly tailored means.

17 75. Generally, the government justifies its detention of noncitizens based on its interest
18 in preventing danger to the community and minimizing flight risk of removable noncitizens. *See*
19 *id.* Those government interests are adequately protected by the INA’s mandatory detention
20 provisions and individualized bond adjudications by IJs. Here, Mr. Rivera Medina’s continued
21 detention and the government’s lack of evaluation for risk of danger to the community or flight
22 risk, have resulted in a failure to satisfy the compelling interest and narrowly tailored requirements
23

1 under *Regino*. As such, Mr. Rivera Medina’s continued detention likely violates his substantive
2 due process right.

3 **X. CLAIMS FOR RELIEF**

4 **Count I**

5 **Violation of 8 U.S.C. § 1226(a)**
6 **Unlawful Detention Pursuant to Agency’s Erroneous Interpretation**

7 76. Mr. Rivera Medina re-alleges and incorporates by reference the paragraphs above.

8 77. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to
9 noncitizens residing in the United States who are charged as inadmissible because they entered
10 the United States without inspection. Absent disqualifying criminal convictions, those noncitizens
11 are detained under Section 1226(a) and thus eligible for bond hearings.

12 78. Petitioner was arrested in the interior and after a lengthy residence in the U.S.
13 Accordingly, Mr. Rivera Medina’s continued detention based on the BIA’s unlawful interpretation
14 of Section 1225(b)(2) in *Matter of Yajure-Hurtado* is unlawful. Mr. Rivera Medina thus must be
15 afforded a bond hearing.

16 **Count II**

17 **Unlawful Detention Pursuant to Violation of Due Process under Fifth Amendment of U.S.**
18 **Constitution**

19 79. Mr. Rivera Medina re-alleges and incorporates by reference the paragraphs above.

20 80. The Due Process Clause of the Fifth Amendment forbids the government from
21 depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V.

22 81. Mr. Rivera Medina’s ongoing detention violates his right to substantive and
23 procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

1 89. As set forth in Count Two, federal regulations and case law provide the procedure
2 for a respondent in removal proceedings like him to seek a bond redetermination by an IJ.

3 90. Mr. Rivera Medina’s denial of the opportunity to return to his family and pursue
4 Cancellation of Removal in a non-detained court setting where he is free to gather the necessary
5 evidence, deprives him of the right to freedom to lawfully pursue his rights in this civil matter.
6 The Government’s “no-review” provisions are a violation of his procedural and substantive due
7 process and without any statutory authority. There is no timeframe or procedure for requesting
8 DHS to itself review its custody decision, and removal proceedings in this case will proceed during
9 that time while Petitioner remains in custody.

10 91. Respondents’ actions improperly alter the substantive rules concerning mandatory
11 custody status without the required notice-and-comment period and are in violation of the INA
12 and its regulations. These actions by Respondents violate the APA. Under the APA, this Court
13 may hold unlawful and set aside an agency action which is “contrary to constitutional right, power,
14 privilege or immunity.” 5 U.S.C. § 706(2)(B). The governments actions exceed the authority
15 granted ICE by Congress at 8 U.S.C. § 1226(a). For these reasons, this Honorable Court should
16 hold that Petitioner is detained under § 1226, not § 1225, and order his immediate release or, in
17 the alternative, direct the Immigration Court to conduct a custody redetermination hearing under
18 in which Petitioner has a meaningful opportunity to show that he is not a danger or flight risk. Any
19 contrary reliance on *Matter of Yajure-Hurtado* would unlawfully misapply the statute and deprive
20 Petitioner of his rights under the INA, the APA, and the Due Process Clause.

21
22 **XI. PRAYER FOR RELIEF**

23 Mr. Rivera Medina respectfully requests that this Court:

1 a. Assume jurisdiction over this matter;

2 b. Issue an order direction Respondents to show cause why the writ should not be
3 granted;

4 c. Enjoin ICE from transferring Mr. Rivera Medina outside of the State of Nevada
5 while this matter is pending;

6 d. Grant a writ of habeas corpus and order Respondents to immediately release Mr.
7 Rivera Medina or order Respondents to conduct a bond hearing which correctly applies the statutes
8 and no longer mis-classifies him as subject to mandatory detention; and

9 e. Grant any other and further relief as the Court deems just and proper.

10 **XII. PRAYER FOR EXPEDITED CONSIDERATION**

11 Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests expedited consideration.
12 Each day of unlawful detention inflicts irreparable harm on Petitioner's health. His U.S. citizen
13 child is also being deprived of her father's care, stability, and support. Prompt judicial intervention
14 is necessary to protect Petitioner's constitutional rights and his family's well-being.

15 DATED this 22nd day of December, 2025.

16 /s/Spencer Judd Jr., Esq.
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