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7 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

8 Medina Henry,<sup>1</sup>  
 9 Petitioner,  
 10 v.  
 11 Chief Counsel for the District of Nevada,  
 DHS, ICE,  
 12 Respondents.

Case No. 2:25-cv-02623-APG-DJA  
**Federal Respondents' Response to the  
 Petition for Writ of Habeas Corpus  
 (ECF No. 5)**

13 Federal Respondents though undersigned counsel, file their collective response to  
 14 Petitioner Medina Henry's Verified Petition for Writ of Habeas Corpus Pursuant to 28  
 15 U.S.C. § 2241 (ECF No. 5). The Petition should be denied.

16 First, the Court lacks subject matter jurisdiction to consider Petitioner's claims.  
 17 Second, Petitioner fails to show, and indeed cannot establish, that his detention is  
 18 unlawful. And finally, Petitioner admittedly failed to exhaust his administrative remedies  
 19 prior to filing his petition. Accordingly, for any of these independent reasons, the Court  
 20 should deny the Petition.

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 24 <sup>1</sup> This name is used in the caption as it was used by Petitioner in his pro se motion. The name Henry Javier  
 25 Medina was used by Petitioner in his appeal to the Ninth Circuit. As noted in Att. 1, the petitioner has also  
 been known Henry Javier Franco which, according to Petitioner, is the name on his passport.

1       **I.       FACTUAL AND PROCEDURAL BACKGROUND**

2           Petitioner, a 43-year-old Honduran National, arrived illegally in the United States  
3 without being admitted or paroled and taken into ICE custody on April 18, 2025. *See* ECF  
4 No. 5 at ¶11(a).

5           On August 27, 2025, an immigration judge (“IJ”) ordered Petitioner’s removal from  
6 the United States (ECF No. 5 at ¶ 11(b)). Petitioner did not appeal that Order to the Board  
7 of Immigration Appeals. On August 21, 2025, Petitioner appealed his prolonged detention  
8 to the Ninth Circuit Court of Appeals (ECF No. 5 at ¶ 7(a)).<sup>2</sup> On September 15, 2025, the  
9 Petitioner moved for, and the Ninth Circuit granted a Stay of removal proceedings.<sup>3</sup>

10           That appeal remains pending.

11       **II.       ARGUMENT**

12           When an alien is ordered removed, the Attorney General shall remove the alien  
13 from the United States within a period of 90 days.<sup>4</sup> This 90-day period is known as the  
14 removal period. If the removal order is judicially reviewed and if a court orders a stay of  
15 the removal of the alien, as is the case here, the Petitioner’s removal period begins on the  
16 date of the appellate court’s final order.<sup>5</sup> As the Petitioner’s appeal remains pending, the  
17 removal period has not yet commenced.

18           In *Zadvydas v. Davis*,<sup>6</sup> the Supreme Court established a “presumptively reasonable  
19 period of detention” of six months triggered by the removal period.<sup>7</sup>

20           Petitioner’s claims are not ripe because, due to the Ninth Circuit’s stay of removal,  
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22           <sup>2</sup> Case No. 25-5805.

23           <sup>3</sup> *Id.* at Dkt #2.

24           <sup>4</sup> 8 U.S.C.A. § 1231(a)(1)(A)

25           <sup>5</sup> 8 U.S.C.A. § 1231(a)(1)(B)(ii).

<sup>6</sup> 533 U.S. 678, 121 S.Ct. 2491 (2001).

<sup>7</sup> *Id.* at 2505.

1 the removal period will not commence until mandate is issued and the stay is lifted;  
2 therefore, the six-month period under *Zadvydas* has not even commenced, much less  
3 elapsed.

4 **III. CONCLUSION**

5 Based on the above facts and law, the Petition should be denied.

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7 DATED: January 30, 2026

8 Respectfully submitted,

9  
10 TODD BLANCHE  
11 Deputy Attorney General of the United States

12 /s/ Robert Knief  
13 ROBERT KNIEF  
14 Assistant United States Attorney  
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