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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Marcos Juarez Salvador,

Petitioner

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security,

TODD LYONS, in his official capacity as
Acting Director of Immigration and Customs
Enforcement,

MARCOS CHARLES, in his official capacity
as ICE Field Officer Director,

JOHN MATTOS, in his official capacity as the
warden of the Nevada Southern Detention
Facility,

PAMALA BONDI, in her official capacity as
the United States Attorney General,

The Executive Office for Immigration Review

United States Immigration and Customs
Enforcement.

Respondents

Civil No.: **2:26-cv-00043-RFB-BNW**

PETITIONER'S REPLY TO
RESPONDENTS' RESPONSE TO
PETITIONER'S VERIFIED PETITION FOR
HABEAS CORPUS

IMMIGRATION HABEAS CASE

**PETITIONER’S REPLY TO RESPONDENTS’ RESPONSE TO PETITIONER’S VERIFIED
PETITION FOR HABEAS CORPUS**

Petitioner, through counsel, respectfully submits this Reply in support of his Petition for a Writ of Habeas Corpus and in response to Federal Respondents’ Return. Respondents’ arguments are materially identical to those repeatedly rejected by this Court and other courts within this District. Most notably, Respondents’ position is foreclosed by the reasoning and holdings of this Court’s recent order in Sanchez-Camacho v. Noem, Case No. 2:25-cv-02343-RFB-DJA, as well as the dozens of companion cases cited therein.¹ The same statutory, jurisdictional, and constitutional defects identified by this Court apply with equal force here.

¹ See *Escobar Salgado v. Mattos*, No. 2:25-cv-01872-RFB-EJY 2025 WL 3205356 (D. Nev. Nov. 17, 2025); *Herrera v. Knight*, No. 2:25-CV-01366-RFB-DJA, 2025 WL 2581792 (D. Nev. Sept. 5, 2025); *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Roman v. Noem*, No. 2:25-CV-01684-RFB-EJY, 2025 WL 2710211 (D. Nev. Sept. 23, 2025); *Carlos v. Noem*, No. 2:25-CV-01900-RFB-EJY, 2025 WL 2896156 (D. Nev. Oct. 10, 2025); *E.C. v. Noem*, No. 2:25-CV-01789-RFB-BNW, 2025 WL 2916264 (D. Nev. Oct. 14, 2025); *Perez Sanchez v. Bernacke*, No. 2:25-CV-01921-RFB-MDC (D. Nev. Oct. 17, 2025); *Aparicio v. Noem*, No. 2:25-CV-01919-RFB-DJA, 2025 WL 2998098 (D. Nev. Oct. 23, 2025); *ominguez-Lara v. Noem*, No. 2:25-CV-01553-RFB-EJY, 2025 WL 2998094 (D. Nev. Oct. 24, 2025); *Bautista-Avalos v. Bernacke*, 2:25-CV-01987-RFB-BNW (D. Nev. Oct 27, 2025); *Arce-Cervera v. Noem*, No. 2:25-CV-01895-RFB-NJK, 2025 WL 3017866 (D. Nev. Oct. 28, 2025); *Alvarado Gonzalez v. Mattos*, No. 2:25-CV-01599-RFB-NJK (D. Nev. Oct. 30, 2025); *Rodriguez Cabrera v. Mattos*, No. 2:25-cv-01551-RFB-EJY, 2025 WL 3072687 (D. Nev. Nov. 3, 2025); *Berto Mendez v. Noem*, No. 2:25-cv-02602-RFB-MDC, 2025 WL 3124285 (D. Nev. Nov. 7, 2025); *Cornejo-Mejia v. Bernacke*, No. 2:25-cv-02139-RFB-BNW, 2025 WL 3222482 (D. Nev. Nov. 18, 2025); *Lucero Ortiz v. Bernacke*, No. 2:25-cv-01833-RFB-NJK, 2025 WL 3237291 (D. Nev. Nov. 19, 2025); *Perez Sales v. Mattos*, No. 2:25-cv-01819-RFB-BNW, 2025 WL 3237366 (D. Nev. Nov. 19, 2025); *Hernandez Duran v. Bernacke*, No. 2:25-cv-02105-RFB-EJY, 2025 WL 3237451 (D. Nev. Nov. 19, 2025); *Cabrera-Cortes v. Knight*, No. 2:25-cv-01976-RFB-MDC, 2025 WL 3240971 (D. Nev. Nov. 20, 2025); *Jacobo Ramirez v. Noem*, No. 2:25-cv-02136-RFB-MDC, 2025 WL 3270137 (D. Nev. Nov. 24, 2025); *Garcia-Arauz v. Noem*, No. 2:25-cv-02117-RFB-EJY, 2025 WL 3470902 (D. Nev. Dec. 3, 2025); *Silva Hernandez v. Noem*, No. 2:25-cv-02304-RFB-EJY, 2025 WL 3470903 (D. Nev. Dec. 3, 2025); *Reyes Cristobal v. Bernacke*, No. 2:25-cv-02231-RFB-EJY, 2025 WL 3485770 (D. Nev. Dec. 4, 2025); *Carrillo Fernandez v. Knight*, No. 2:25-cv-02221-RFB-BNW, 2025 WL 3485800 (D. Nev. Dec. 4, 2025); *Pilar Torres v. Bernacke*, No. 2:25-cv-02270-RFB-EJY, 2025 WL 3514615 (D. Nev. Dec. 8, 2025); *Nolasco-Gomez v. Noem*, No. 2:25-cv-02217-RFB-DJA, 2025WL 3514758 (D. Nev. Dec. 8, 2025); *Ramirez-Contreras v. Noem*, No. 2:25-cv-02218-RFB-EJY, 2025 WL 3514681 (D. Nev. Dec. 8, 2025); *Rodas v. Noem*, No. 2:25-cv-02216-RFB-BNW, 2025 WL 3514680 (D. Nev. Dec. 8, 2025); *Perdomo-Gonzalez v. Noem*, No. 2:25-cv-02121-RFB-EJY, 2025 WL 3514758 (D. Nev. Dec. 8, 2025); *Hernandez Isidoro v. Bernacke*, No. 2:25-cv-02312-RFB-NJK, 2025 WL 3524773 (D. Nev. Dec. 8, 2025); *Serrano Gonzalez v. Knight*, No. 2:25-cv-02081-RFB-BNW, 2025 WL 3524774 (D. Nev. Dec. 9, 2025); *Morales Rondon v. Bernacke*, No. 2:25-cv-01979-RFB-BNW, 2025 WL 3527246 (D. Nev. Dec. 9, 2025); *Marquez v. Knight*, No. 2:25-cv-02203-RFB-NJK, 2025 WL 3527244 (D. Nev. Dec. 9, 2025); *Flores-Garcia v. Bernacke*, No. 3:25-cv-00688-RFB-CSD, 2025 WL 3527247 (D. Nev. Dec. 9, 2025); *Garcia Soto v. Knight*, No. 2:25-cv-02138-RFB-BNW, 2025 WL 3537405 (D. Nev. Dec. 10, 2025); *Gallegos Rangel v. Knight*, No. 2:25-cv-02161-RFB-BNW, 2025 WL 3539303 (D. Nev. Dec. 10, 2025); *Salguero v. DHS*, No. 2:25-cv-02328-RFB-NJK, 2025 WL 3539276 (D. Nev. Dec. 10, 2025); *Mejia Soto v. DHS*, No. 2:25-cv-02281-RFB-EJY (D. Nev. Dec. 11, 2025); *Perez Gonzalez v. Noem*, No. 2:25-cv-02137-RFB-DJA (D. Nev. Dec. 11, 2025); *Ramirez v. Noem*, No. 2:25-cv-02110-RFB-DJA (D. Nev. Dec. 12, 2025); *Reyes v. Henkey*, No. 2:25-cv-02206-RFB-NJK (D. Nev. Dec. 12, 2025);

1 **I. RESPONDENTS’ JURISDICTIONAL ARGUMENTS FAIL**

2 Respondents first contend that this Court lacks jurisdiction under 8 U.S.C. §§ 1252(a)(5), (b)(9),
3 and (e)(3). This argument has already been considered and rejected by this Court in materially
4 indistinguishable cases.

5 As the Court explained in *Sanchez-Camacho*, challenges to the lawfulness of ongoing
6 immigration detention fall squarely within the “core” of the writ of habeas corpus. Case No. 2:25-cv-
7 02343-RFB-DJA. Section 1252 does not strip district courts of jurisdiction to determine whether
8 detention itself is lawful. Rather, those provisions are properly construed to channel review of final
9 removal orders—not to foreclose judicial review of prolonged or categorical civil detention.
10

11 Respondents’ reliance on § 1252(b)(9) is particularly misplaced. That provision is a channeling
12 rule, not a claim-barring rule, and it does not apply where, as here, Petitioner challenges the legality of
13 his detention independent of the ultimate removal determination. As this Court has recognized, reading
14 § 1252(b)(9) to bar habeas review of detention would raise serious constitutional concerns and would
15 conflict with longstanding Supreme Court precedent recognizing habeas jurisdiction over immigration
16 custody.
17

18 Likewise, § 1252(e)(3) does not deprive this Court of jurisdiction. Petitioner does not seek to
19 invalidate a regulation or policy in the abstract, nor does he challenge expedited removal procedures.
20 Instead, he brings an as-applied challenge to his ongoing detention without bond. As the Court held in
21 *Sanchez-Camacho* and *Escobar Salgado*, such claims are properly heard in this forum.
22
23
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25

26 Rodriguez Vazquez v. Bostock, No. 3:25-cv-05240 (W.D. Wash.); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK (D. Mass.);
27 *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM (D. Mass.); *Sarmiento v. Perry*, No. 1:25-cv-01644 (E.D. Va.); *Salazar v.*
28 *Dedos*, No. 1:25-cv-00835-DHU-JMR (D.N.M.); *Nava Hernandez v. Baltazar*, No. 1:25-cv-03094-CNS (D. Colo.);
Ernesto Gonzalez Ramos v. Dedos, No. 1:25-cv-00975-MLG-KRS (D.N.M.); *Pu Sacvin v. De Anda-Ybarra*, No. 2:25-cv-
01031 (D.N.M.); *Espinoza Ruiz v. Baltazar*, No. 1:25-cv-03642-CNS (D. Colo.); *Arauz v. Baltazar*, No. 1:25-cv-03260-
CNS (D. Colo.); *Garcia Cortes v. Noem*, No. 1:25-cv-02677-CNS (D. Colo.).

1 II. RESPONDENTS' STATUTORY INTERPRETATION IS UNLAWFUL

2 Respondents' core argument—that 8 U.S.C. § 1225(b)(2)(A) mandates detention of all
3 individuals who entered without inspection, regardless of length of residence or circumstances of
4 arrest—has been overwhelmingly rejected by this Court.

5
6 In *Sanchez-Camacho*, this Court held that individuals who entered the United States without
7 inspection years or decades ago, and who are later arrested in the interior of the country and placed in
8 removal proceedings, are detained under § 1226(a), not § 1225(b)(2). That holding rests on the structure
9 of the INA, its legislative history, and decades of consistent agency practice prior to the abrupt policy
10 shift adopted in *Matter of Yajure-Hurtado*.

11
12 Here, as in *Sanchez-Camacho*, Petitioner was not apprehended at a port of entry, was not placed
13 in expedited removal, and was arrested and detained in the interior of the United States long after his
14 entry. Treating Petitioner as an “arriving alien” or functional equivalent stretches § 1225 far beyond its
15 text and purpose. As this Court has already concluded, Respondents' interpretation would collapse the
16 distinction between §§ 1225 and 1226 and render § 1226(a) largely meaningless.

17
18 Respondents' reliance on *Jennings v. Rodriguez* is similarly unavailing. As this Court
19 explained, *Jennings* addressed whether the INA itself imposes periodic bond hearings; it did not resolve
20 which detention statute applies to long-resident noncitizens arrested in the interior. *Jennings* therefore
21 does not authorize the categorical detention policy Respondents advance here.

22 **III. PETITIONER'S DETENTION VIOLATES DUE PROCESS**

23
24 Even if Respondents' statutory interpretation were correct—which it is not—Petitioner's
25 continued detention without any opportunity for a bond hearing violates the Due Process Clause of the
26 Fifth Amendment.

1 As the Court explained in *Sanchez-Camacho*, detention without individualized review cannot
2 be justified absent a demonstrated governmental interest specific to the detainee. Unlike the narrow
3 category of individuals at issue in *Demore v. Kim*, Petitioner has not been convicted of offenses
4 triggering mandatory detention, and the government has not shown that he poses a danger or flight risk.
5 Applying the *Mathews v. Eldridge* framework, Petitioner’s liberty interest is at its apex. 424 U.S. 319
6 (1976). The risk of erroneous deprivation is substantial where detention is automatic and categorical,
7 and the value of a bond hearing is obvious. Conversely, the government’s interest in blanket
8 detention—untethered to individualized findings—is minimal, particularly given the availability of
9 established bond procedures under § 1226(a).
10

11 This Court has already held that prolonged detention without an opportunity for release on bond
12 under these circumstances violates both procedural and substantive due process. That reasoning applies
13 fully here.
14

15 **IV. RESPONDENTS’ POSITION IS AN OUTLIER AND CONTRARY TO** 16 **OVERWHELMING AUTHORITY**

17 As the Court observed in *Sanchez-Camacho*, the government’s interpretation of § 1225(b)(2)
18 has been rejected by an extraordinary number of district courts nationwide, including dozens of
19 decisions within this District alone. The consistency of these rulings underscores that Respondents’
20 position is not merely debatable, but untenable.
21

22 Respondents ask this Court to disregard its own precedent and the overwhelming weight of
23 authority, and to adopt an interpretation that would subject millions of long-resident noncitizens to
24 mandatory detention without hearings. The Court has already declined to do so, and should do so again
25 here.
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