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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

7 LOPEZ LOPEZ, MILTON

8 Petitioner,

9 V.

10 KRISTI NOEM, Secretary of  
11 the United States Department of Homeland  
Security; PAM BONDI,  
12 United States Attorney General;  
TODD LYONS, Director of  
13 United States Immigration and Customs  
Enforcement; BRYAN WILCOX,  
14 Field Office Director for Detention and  
Removal, U.S. Immigration and Customs  
15 Enforcement, Department of Homeland  
Security; John Mattos Warden,  
16 Nevada Southern Detention Center;  
17 UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY; UNITED  
18 STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT;

19 Respondents  
20

 Detained

Case File No.:

Immi  .:

**PETITIONER'S  
WRIT OF HABEAS  
CORPUS**

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

23 This is a petition for a writ of habeas corpus filed on behalf of Milton Lopez  
24 Lopez ("Petitioner") seeking relief to remedy his unlawful detention. Respondents  
25 are detaining Petitioner pending his deportation proceedings. Petitioner has fully  
26 cooperated with Respondents for said proceedings. To date, Petitioner has been  
27 detained for more than fifteen (15) days, since December 6, 2025. *See, Exhibit A,*  
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1 Bond Motion<sup>1</sup>.

2 Petitioner is not a flight risk or a danger to the community. His prolonged  
3  
4 detention is no longer justified under the Constitution or the Immigration and  
5 Nationality Act (INA).

6 Respondents placed Petitioner in the custody of the Nevada Southern Detention  
7  
8 Center. Petitioner’s detention is for the purpose of conducting his deportation  
9 proceedings.

10 On or about December 12, 2025, Petitioner, via counsel, filed a bond motion  
11  
12 in the Las Vegas Immigration Court. *See, Exhibit A*. A notice of hearing was issued  
13 for December 22, 2025. *See, Exhibit B*, Notice of Hearing. However, on or about  
14 December 17, 2025, an Immigration Judge (“IJ”) denied Petitioner bond without a  
15 hearing and without a written order, cancelling the scheduled hearing without  
16 notice. *See, Exhibit C*, EOIR Form 26. As such, the reasoning for the denial is  
17 unknown at this time.  
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19  
20 Respondents’ actions defy the U.S. Constitution and the Immigration and  
21 Nationality Act (INA). Petitioner seeks an order from this Court declaring his  
22 continued and prolonged detention unlawful and ordering Respondents to release  
23 Petitioner on parole under 8 USC §1226 (a)(2)(B) or, in the alternative, to provide  
24 him a bond hearing under 8 USC §1226 (a)(2)(A), enjoining Respondents from  
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27 \_\_\_\_\_  
28 <sup>1</sup> As this Petition will explain, in an unusual step the Immigration Judge canceled a scheduled custody determination hearing without notice and unilaterally denied bond without written notice or a written order. As such, there is not much of a record that can be provided via exhibits at this time. However, a FOIA request has been made to produce any documents that do exist.

1 applying *Matter of Hurtado*.

2 CUSTODY

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4 1. Petitioner is in the physical custody of Respondents. At the time of the filing of  
5 this petition, Petitioner is detained at the Nevada Southern Detention Center  
6 (“NSDC”) in Pahrump, NV. NSDC contracts with the Department of Homeland  
7 Security to detain aliens such as Petitioner. Petitioner is under the direct control of  
8 Respondents and their agents.  
9

10 JURISDICTION

11  
12 2. This action arises under the Constitution of the United States, the Immigration  
13 and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal  
14 Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub.  
15 L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241,  
16 art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28  
17 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the  
18 United States and such custody is in violation of the U.S. Constitution, laws, or  
19 treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. §  
20 2241, and the All Writs Act, 28 U.S.C. § 1651.  
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23 VENUE

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25 3. Venue lies in the United States District Court for the District of Nevada, the  
26 judicial district where Petitioner is detained. 28 U.S.C. § 1391(e).  
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28 PARTIES

1 4. Petitioner is a national and citizen of Guatemala. *See Exhibit A*

2 5. Respondent KRISTI NOEM is the Secretary of the U.S. Department of  
3 Homeland Security (“DHS”), an agency of the United States. She is responsible for  
4 the administration of immigration laws pursuant to 8 U.S.C. § 1103(a). Secretary  
5 Noem is a legal custodian of Mr. Lopez. She is named in her official capacity.  
6 Respondent’s address is Department of Homeland Security, Washington, D.C.  
7 20528.  
8

9  
10 6. Respondent Pam Bondi is the Attorney General of the United States and the  
11 most senior official in the U.S. Department of Justice (“DOJ”). She has the  
12 authority to interpret immigration laws and adjudicate removal cases. 8 U.S.C. §  
13 1103(g). The Attorney General delegates this responsibility to the Executive Office  
14 for Immigration Review (“EOIR”), which administrates the immigration courts  
15 and the BIA. She is named in her official capacity. Respondent’s address is 950  
16 Pennsylvania Avenue, NW, Washington, D.C. 20520-0001.  
17

18  
19 7. Respondent TODD LYONS is the Director of the United States Immigration and  
20 Customs Enforcement within the Department of Homeland Security, an agency of  
21 the United States. He is responsible for the administration and enforcement of  
22 immigration laws. He is named in his official capacity. Respondent’s address is  
23 500 12th St. SW, Washington, D.C. 20536.  
24

25  
26 8. Respondent Bryan Wilcox is the Field Office Director for Detention and  
27 Removal, U.S. Immigration Customs and Enforcement, Department of Homeland  
28

1 Security. Pursuant to Respondent Wilcox's orders, Mr. Lopez remains detained.  
2 Respondent Wilcox is named in his official capacity. Respondent's address is 2975  
3 Decker Lane Dr, Suite 100, West Valley City, UT 84119.  
4

5 9. Respondent Warden is Petitioner's immediate custodian and resides in the  
6 judicial jurisdiction of the Ninth Circuit of the United States Court of Appeals.  
7

8 Warden is named in his official capacity.

9 10. The Department of Homeland Security (DHS) is a federal agency charged with  
10 administering statutes and regulations governing immigration pursuant to 6 U.S.C.  
11 §§ 111-115. Respondent's address is Department of Homeland Security,  
12 Washington, D.C. 20528.  
13

14 11. The United States Immigration and Customs Enforcement is a federal sub-  
15 agency under DHS responsible for the administration and enforcement of the  
16 United States' immigration laws pursuant to 22 C.F.R. 127.4. Respondent's field  
17 office address here in Las Vegas is 501 S Las Vegas Blvd, Suite 200, Las Vegas,  
18 NV 89101.  
19  
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#### 21 EXHAUSTION OF ADMINISTRATIVE REMEDIES

22 12. Petitioner has exhausted his administrative remedies to the extent required by  
23 law. Petitioner's only remedy is by way of this judicial action.  
24

#### 25 STATEMENT OF FACTS

26 13. Petitioner is a national and citizen of Guatemala who entered the U.S.  
27 sometime in 2022 without inspection and has resided continuously in the U.S. ever  
28

1 since. *See, Exhibit A.*

2 14. Petitioner has now been in detention for more than fifteen (15) days pending  
3 his deportation proceedings starting on December 6, 2025. It is not known where  
4 ICE officers encountered Petitioner, under what authority he was taken into  
5 custody or what his charges of removability are.  
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8 15. Petitioner is not a danger to the community or a flight risk, having never been  
9 convicted of a crime. *See, Exhibit A.*

10 16. Petitioner has deep roots in this community.  
11

12 17. Prior to his detention, Petitioner was working, paying his taxes, and providing  
13 for his family. His continued detention deprives his family of his companionship  
14 and income.  
15

16 18. Respondents' continued detention of Petitioner is contrary to the law.  
17

## 18 CLAIMS FOR RELIEF

### 19 COUNT ONE CONSTITUTIONAL CLAIM

20 19. Petitioner alleges and incorporates by reference paragraphs 1 through 18 above.

21 20. Petitioner's detention violates his right to substantive and procedural due  
22 process guaranteed by the Fifth Amendment to the U.S. Constitution. *Hope v.*  
23 *Warden York City Prison*, 972 F.3d 310, 323-25 (3d Cir. 2020) (seeking release  
24 due to unconstitutional conditions of confinement); *Yanes v. Martin*, 464 F. Supp.  
25 3d 467, 468 n.1 (D.R.I. 2020); *Zepeda Rivas v. Jennings*, 465 F. Supp. 3d 1028,  
26 1035-36 (N.D. Cal. 2020).  
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COUNT TWO STATUTORY CLAIM

21. Petitioner alleges and incorporates by reference paragraphs 1 through 20 above.

22. Petitioner’s continued detention violates the Immigration and Nationality Act, 8 USC §1226, and the U.S. Constitution.

COUNT THREE

23. If he prevails, Petitioner requests attorney’s fees and costs under the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief: 1. Assume jurisdiction over this matter; 2. Issue an order directing Respondents to show cause why the writ should not be granted; 3. Declare that Petitioner’s detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1226, and the Immigration and Nationality Act; 4. Issue a writ of habeas corpus ordering Respondents to release Petitioner on parole under 8 USC §1226 (a)(2)(B) or, in the alternative, to provide him a bond hearing under 8 USC §1226 (a)(2)(A), enjoining Respondents from applying *Matter of Hurtado*; 5. Award Petitioner reasonable costs and attorney’s fees; and, 6. Grant any other relief which this Court deems just and proper.

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Respectfully submitted,

*/s/Jeremy Mondejar*

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Attorney for Petitioner

VERIFICATION OF COUNSEL

I, Jeremy Mondejar, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

*/s/Jeremy Mondejar*

Jeremy Mondejar