

1 Jeremy Mondejar, ESQ.
NV Bar 11213
2 2885 E Charleston BLVD, Suite 103
Las Vegas, NV 89104
3 Telephone: (702) 816-6611
Attorney for Petitioner
4

5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 DOROTEO-CHAVEZ, ALEJANDRO

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; Warden,
16 Henderson Detention Center
UNITED STATES DEPARTMENT OF
17 HOMELAND SECURITY; UNITED
STATES IMMIGRATION AND
18 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 Alejandro
24 Doroteo Chavez ("Petitioner") seeking relief to remedy his unlawful detention.
25 Respondents are detaining Petitioner pending his deportation proceedings.
26 Petitioner has fully cooperated with Respondents for said proceedings. To date,
27 Petitioner has been detained for more than sixty (60) days, since October 13,
28

1 2025. *See, Exhibit A*, FORM I-213.

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

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

10 On or about December 8, 2025, an Immigration Judge (“IJ”) denied
11 Petitioner bond, finding no jurisdiction under *Matter of Yajure Hurtado*, 29 I&N
12 Dec. 216 (BIA 2025) without deciding whether Petitioner is a danger to the
13 community or a flight risk. *See, Exhibit B*, Bond Order.
14

15 Respondents’ actions defy the U.S. Constitution and the Immigration and
16 Nationality Act (INA). Petitioner seeks an order from this Court declaring his
17 continued and prolonged detention unlawful and ordering Respondents to release
18 Petitioner on parole under 8 USC §1226 (a)(2)(B) or, in the alternative, to provide
19 him a bond hearing under 8 USC §1226 (a)(2)(A), enjoining Respondents from
20 applying *Matter of Hurtado*.
21
22
23

24 CUSTODY

25 1. Petitioner is in the physical custody of Respondents. At the time of the filing of
26 this petition, Petitioner is detained at the Henderson Detention Center (“HDC”) in
27 Henderson, NV. HDC contracts with the Department of Homeland Security to
28

1 detain aliens such as Petitioner. Petitioner is under the direct control of
2 Respondents and their agents.

3
4 JURISDICTION

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

14
15
16
17 VENUE

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

20
21 PARTIES

22 4. Petitioner is a national and citizen of Mexico. *See Exhibit A.*

23
24 5. Respondent KRISTI NOEM is the Secretary of the U.S. Department of
25 Homeland Security (“DHS”), an agency of the United States. She is responsible for
26 the administration of immigration laws pursuant to 8 U.S.C. § 1103(a). Secretary
27 Noem is a legal custodian of Mr. Doroteo. She is named in her official capacity.
28

1 Respondent’s address is Department of Homeland Security, Washington, D.C.
2 20528.

3
4 6. Respondent Pam Bondi is the Attorney General of the United States and the
5 most senior official in the U.S. Department of Justice (“DOJ”). She has the
6 authority to interpret immigration laws and adjudicate removal cases. 8 U.S.C. §
7 1103(g). The Attorney General delegates this responsibility to the Executive Office
8 for Immigration Review (“EOIR”), which administrates the immigration courts
9 and the BIA. She is named in her official capacity. Respondent’s address is 950
10 Pennsylvania Avenue, NW, Washington, D.C. 20520-0001.
11

12
13 7. Respondent TODD LYONS is the Director of the United States Immigration and
14 Customs Enforcement within the Department of Homeland Security, an agency of
15 the United States. He is responsible for the administration and enforcement of
16 immigration laws. He is named in his official capacity. Respondent’s address is
17 500 12th St. SW, Washington, D.C. 20536.
18

19
20 8. Respondent Bryan Wilcox is the Field Office Director for Detention and
21 Removal, U.S. Immigration Customs and Enforcement, Department of Homeland
22 Security. Pursuant to Respondent Wilcox’s orders, Mr. Doroteo remains detained.
23 Respondent Wilcox is named in his official capacity. Respondent’s address is 2975
24 Decker Lane Dr, Suite 100, West Valley City, UT 84119.
25

26
27 9. Respondent Warden is Petitioner’s immediate custodian and resides in the
28 judicial jurisdiction of the Ninth Circuit of the United States Court of Appeals.

1 Warden is named in his official capacity.

2 10. The Department of Homeland Security (DHS) is a federal agency charged with
3 administering statutes and regulations governing immigration pursuant to 6 U.S.C.
4 §§ 111-115. Respondent’s address is Department of Homeland Security,
5 Washington, D.C. 20528.
6

7 11. The United States Immigration and Customs Enforcement is a federal sub-
8 agency under DHS responsible for the administration and enforcement of the
9 United States’ immigration laws pursuant to 22 C.F.R. 127.4. Respondent’s field
10 office address here in Las Vegas is 501 S Las Vegas Blvd, Suite 200, Las Vegas,
11 NV 89101.
12
13

14 EXHAUSTION OF ADMINISTRATIVE REMEDIES
15

16 12. Petitioner has exhausted his administrative remedies to the extent required by
17 law. Petitioner’s only remedy is by way of this judicial action.
18

19 STATEMENT OF FACTS

20 13. Petitioner is a national and citizen of Mexico who entered the U.S. sometime in
21 2009 without inspection and has resided continuously in the U.S. ever since. *See,*
22 *Exhibits C, Bond Motion.*
23

24 14. Petitioner has now been in detention for more than sixty (60) days, since
25 October 13, 2025 when ICE officers encountered Petitioner in the North Las Vegas
26 Detention Center with a pending domestic violence charge. *See, Exhibit A.*
27

28 Petitioner is charged as removable under Sections 212(a)(6)(A)(i) and 212(a)(7)(A)

1 of the INA. *See, Exhibit A.*

2 15. Petitioner is not a danger to the community or a flight risk, having only ever
3 been charged one time for misdemeanor domestic violence, which is pending. *See,*
4 *Exhibit A.*

6 16. Petitioner has deep roots in this community, including a U.S. citizen child. *See,*
7 *Exhibits C.*

9 17. Prior to his detention, Petitioner was working, paying his taxes, and providing
10 for his family. His continued detention deprives his family of his companionship
11 and income. Nonetheless, the Immigration Judge was unable to take these facts
12 into consideration at Petitioner’s Bond Hearing on December 8, 2025, finding that
13 she lacked jurisdiction to grant bond pursuant to *Matter of Hurtado*. *See, Exhibit B.*
14 Respondent appealed this bond decision to the BIA on December 18, 2025; to date,
15 the BIA has not issued a filing receipt for said appeal. *See Exhibit D, Form EOIR*
16 *26.*

18 18. Respondents’ continued detention of Petitioner is contrary to the law.

21 CLAIMS FOR RELIEF

22 COUNT ONE CONSTITUTIONAL CLAIM

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

24 20. Petitioners’ detention violates his right to substantive and procedural due
25 process guaranteed by the Fifth Amendment to the U.S. Constitution. *Hope v.*
26 *Warden York City Prison, 972 F.3d 310, 323-25 (3d Cir. 2020)* (seeking release
27
28

1 due to unconstitutional conditions of confinement); *Yanes v. Martin*, 464 F. Supp.
2 3d 467, 468 n.1 (D.R.I. 2020); *Zepeda Rivas v. Jennings*, 465 F. Supp. 3d 1028,
3 1035-36 (N.D. Cal. 2020).
4

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

1 reasonable costs and attorney's fees; and, 6. Grant any other relief which this Court
2 deems just and proper.

3
4 Respectfully submitted,

5 */s/ Jeremy Mondejar*

6 Jeremy Mondejar, ESQ.
7 NV Bar 11213
8 2885 E Charleston BLVD, Suite 103
9 Las Vegas, NV 89104
Telephone: (702) 816-6611
Attorney for Petitioner

10
11
12
13
14
15 VERIFICATION OF COUNSEL

16
17
18 I, Jeremy Mondejar, hereby certify that I am familiar with the case of the
19 named petitioner and that the facts as stated above are true and correct to the
20 best of my knowledge and belief.

21
22 */s/Jeremy Mondejar*

23 Jeremy Mondejar
24
25
26
27
28