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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 MOLINA-POSADA, GERMAN
10 Petitioner,
11 V.
12 KRISTI NOEM, Secretary of
13 the United States Department of Homeland
14 Security; PAM BONDI,
15 United States Attorney General;
16 TODD LYONS, Director of
17 United States Immigration and Customs
18 Enforcement; BRYAN WILCOX,
19 Field Office Director for Detention and
20 Removal, U.S. Immigration and Customs
21 Enforcement, Department of Homeland
22 Security; John Mattos Warden,
23 Nevada Southern Detention Center;
24 UNITED STATES DEPARTMENT OF
25 HOMELAND SECURITY; UNITED
26 STATES IMMIGRATION AND
27 CUSTOMS ENFORCEMENT;
28 Respondents

 Detained

Case File No.:

Immigration file No.:



**PETITIONER'S
WRIT OF HABEAS
CORPUS**

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

22 This is a petition for a writ of habeas corpus filed on behalf of German Molina
23 Posada (“Petitioner”) seeking relief to remedy his unlawful detention. Respondents
24 are detaining Petitioner pending his deportation proceedings. Petitioner has fully
25 cooperated with Respondents for said proceedings. To date, Petitioner has been
26 detained for more than fifty (50) days, since October 27, 2025. *See, Exhibit A,*

1 Notice to Appear.

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 10, 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) but *in arguendo* found Petitioner is not a danger to the
13 community or a flight risk and set an alternative bond amount of \$5,000. *See*,
14 *Exhibit B*, Bond Order.
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17 Respondents' actions defy the U.S. Constitution and the Immigration and
18 Nationality Act (INA). Petitioner seeks an order from this Court declaring his
19 continued and prolonged detention unlawful and ordering Respondents to release
20 Petitioner with a bond of \$5,000 per the Bond Order.
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22 CUSTODY

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24 1. Petitioner is in the physical custody of Respondents. At the time of the filing of
25 this petition, Petitioner is detained at the Nevada Southern Detention Center
26 ("NSDC") in Pahrump, NV. NSDC contracts with the Department of Homeland
27 Security to detain aliens such as Petitioner. Petitioner is under the direct control of
28

1 Respondents and their agents.

2 JURISDICTION

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

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15 VENUE

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

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20 PARTIES

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

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

1 20528.

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

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

14 8. Respondent Bryan Wilcox is the Field Office Director for Detention and
15 Removal, U.S. Immigration Customs and Enforcement, Department of Homeland
16 Security. Pursuant to Respondent Wilcox’s orders, Mr. Molina remains detained.
17 Respondent Wilcox is named in his official capacity. Respondent’s address is 2975
18 Decker Lane Dr, Suite 100, West Valley City, UT 84119.

19 9. Respondent Warden is Petitioner’s immediate custodian and resides in the
20 judicial jurisdiction of the Ninth Circuit of the United States Court of Appeals.
21 Warden is named in his official capacity.

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

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

12 EXHAUSTION OF ADMINISTRATIVE REMEDIES

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14 12. Petitioner has exhausted his administrative remedies to the extent required by
15 law. Petitioner's only remedy is by way of this judicial action.
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17 STATEMENT OF FACTS

18 13. Petitioner is a national and citizen of Mexico who entered the U.S. sometime in
19 February of 2023 without inspection and has resided continuously in the U.S. ever
20 since. *See, Exhibit A.*
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22 14. Petitioner has now been in detention for more than fifty (50) days pending his
23 deportation proceedings starting on October 27, 2025 when ICE officers
24 encountered Petitioner in Washington, UT in the custody of the Sheriff's Office.
25 *See, Exhibit C, Form I-213.* Petitioner is charged as removable under Section
26
27 212(a)(6)(A)(i) of the INA. *See, Exhibit A.*
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1 15. Petitioner is not a danger to the community or a flight risk, having only ever
2 been cited for speeding and no Driver's license. *See, Exhibit E*, Register of Action.

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4 16. Petitioner has deep roots in this community, including two U.S. citizen
5 daughters. *See, Exhibit C*.

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

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

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19 CLAIMS FOR RELIEF

20 COUNT ONE CONSTITUTIONAL CLAIM

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

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

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COUNT TWO STATUTORY CLAIM

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

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22. Petitioner's continued detention violates the Immigration and Nationality Act,

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8 USC §1226, and the U.S. Constitution.

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COUNT THREE

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23. If he prevails, Petitioner requests attorney's fees and costs under the Equal

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Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

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PRAYER FOR RELIEF

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WHEREFORE, Petitioner prays that this Court grant the following relief: 1.

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Assume jurisdiction over this matter; 2. Issue an order directing Respondents to

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show cause why the writ should not be granted; 3. Declare that Petitioner's

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detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. §

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1226, and the Immigration and Nationality Act; 4. Issue a writ of habeas corpus

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ordering Respondents to release Mr. Molina on the IJ's bond of \$5,000 under 8

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USC §1226 (a)(2)(A), enjoining Respondents from applying *Matter of Hurtado*; 4.

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Award Petitioner reasonable costs and attorney's fees; and, 5. Grant any other

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relief which this Court deems just and proper.

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Respectfully submitted,

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/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