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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 CEGUEDA PEDRAZA, LUIS
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; Warden,
23 Henderson 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 Luis Cegueda
23 Pedraza ("Petitioner") seeking relief to remedy his unlawful detention.
24 Respondents are detaining Petitioner pending his deportation proceedings.
25 Petitioner has fully cooperated with Respondents for said proceedings. To date,
26 Petitioner has been detained for more than twenty (20) days, since November 29,
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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 Henderson Detention
7 Center. Petitioner's detention is for the purpose of conducting his deportation
8 proceedings.
9

10 On or about December 16, 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.
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16 Respondents' actions defy the U.S. Constitution and the Immigration and
17 Nationality Act (INA). Petitioner seeks an order from this Court declaring his
18 continued and prolonged detention unlawful and ordering Respondents to release
19 Petitioner on parole under 8 USC §1226 (a)(2)(B) or, in the alternative, to provide
20 him a bond hearing under 8 USC §1226 (a)(2)(A), enjoining Respondents from
21 applying *Matter of Hurtado*.
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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
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1 detain aliens such as Petitioner. Petitioner is under the direct control of
2 Respondents and their agents.

3 JURISDICTION

4
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 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).

19 PARTIES

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

21
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. Cegueda. She is named in her official capacity.
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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.

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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. Cegueda 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.

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

14 EXHAUSTION OF ADMINISTRATIVE REMEDIES

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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.
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19 STATEMENT OF FACTS

20 13. Petitioner is a national and citizen of Mexico who entered the U.S. sometime in
21 2018 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 twenty (20) days, since
25 November 29, 2025 when ICE officers encountered Petitioner in the Clark County
26 Detention Center with a pending dui charge. *See, Exhibit A.* Petitioner is charged
27 as removable under Sections 212(a)(6)(A)(i) and 212(a)(7)(A) of the INA. *See,*
28

1 *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 dui, which is pending. *See, Exhibit A.*

4 16. Petitioner has deep roots in this community, including full-time employment.
5
6 *See, Exhibits C.*

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8 17. Prior to his detention, Petitioner was working, paying his taxes, and providing
9 for his family. His continued detention deprives his family of his companionship
10 and income. Nonetheless, the Immigration Judge was unable to take these facts
11 into consideration at Petitioner's Bond Hearing on December 16, 2025, finding that
12 he lacked jurisdiction to grant bond pursuant to *Matter of Hurtado*. *See, Exhibit B.*
13 Respondent appealed this bond decision to the BIA on December 22, 2025; to date,
14 the BIA has not issued a filing receipt for said appeal. *See Exhibit D*, Form EOIR
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16
17 26.

18 18. Respondents' continued detention of Petitioner is contrary to the law.
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20 CLAIMS FOR RELIEF

21 COUNT ONE CONSTITUTIONAL CLAIM

22 19. Petitioner alleges and incorporates by reference paragraphs 1 through 18 above.
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24 20. Petitioner's 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 due to unconstitutional conditions of confinement); *Yanes v. Martin*, 464 F. Supp.
28

1 3d 467, 468 n.1 (D.R.I. 2020); *Zepeda Rivas v. Jennings*, 465 F. Supp. 3d 1028,
2 1035-36 (N.D. Cal. 2020).

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5 COUNT TWO STATUTORY CLAIM

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

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8 22. Petitioner’s continued detention violates the Immigration and Nationality Act,
9 8 USC §1226, and the U.S. Constitution.

10
11
12 COUNT THREE

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

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16 PRAYER FOR RELIEF

17 WHEREFORE, Petitioner prays that this Court grant the following relief: 1.
18 Assume jurisdiction over this matter; 2. Issue an order directing Respondents to
19 show cause why the writ should not be granted; 3. Declare that Petitioner’s
20 detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. §
21 1226, and the Immigration and Nationality Act; 4. Issue a writ of habeas corpus
22 ordering Respondents to release Petitioner on parole under 8 USC §1226 (a)(2)(B)
23 or, in the alternative, to provide him a bond hearing under 8 USC §1226 (a)(2)(A),
24 enjoining Respondents from applying *Matter of Hurtado*; 5. Award Petitioner
25 reasonable costs and attorney’s fees; and, 6. Grant any other relief which this Court
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