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10 *Counsel for Petitioner Kevin Eliel Aguirre Solis*

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA (Las Vegas)**

13 **KEVIN ELIEL AGUIRRE SOLIS**

14 *Petitioner,*

15 v.

16 **KRISTI NOEM, U.S. DEPARTMENT OF**  
17 **HOMELAND SECURITY, PAMELA J.**  
18 **BONDI, U.S. DEPARTMENT OF**  
19 **JUSTICE, TODD LYONS, BRIAN**  
20 **HENKEY, U.S. IMMIGRATION AND**  
**CUSTOMS ENFORCEMENT, AND**  
**JOHN MATTOS,**

21 *Respondents.*

Case No.: 2:26-cv-00053-APG-EJY

**Petitioner’s Reply in Support of His Writ of Habeas Corpus (ECF No. 1) and Motion for Temporary Restraining Order (ECF No. 2)**

23  
24 Kevin Eliel Aguirre Solis (“Petitioner” or “Mr. Aguirre Solis”), through his attorney,  
25 Michael Kagan, and student attorneys Tia Zghaib and Raymond Wu of the UNLV Immigration  
26 Clinic, hereby submits his Reply in Support of His Writ of Habeas Corpus (ECF No. 1)  
27 (“Habeas”) and Motion for Temporary Restraining Order (ECF No. 2) (“TRO”).  
28

1 Because Federal Respondents (hereafter “Respondents”) filed a consolidated response to  
2 both the Petition and the Motion for a TRO (ECF No. 14), Petitioner files this as a reply as to  
3 both as well. Because there appear to be no substantive remaining disputes for this Court to  
4 resolve, Petitioner will be simultaneously filing a Motion to Expedite a decision on his Motion  
5 for a TRO so that his detention without a bond hearing may be brought to a rapid end.

6  
7 **I. Respondents Do Not Contest That Petitioner Was Errantly Designated for**  
8 **Expedited Removal and Was Errantly Denied a Bond Hearing by the**  
9 **Immigration Court.**

10 Respondents do not contest that they errantly designated Petitioner for expedited  
11 removal, and that such an action denied Petitioner a bond hearing to which he would otherwise  
12 have been entitled to in the Immigration Court. *See generally* ECF No. 14. Rather,  
13 Respondents concede that, under this Court’s previous decisions on similar facts and issues,  
14 Petitioner qualifies and should receive a bond hearing in Immigration Court. *Id.* at 3.

15 **II. Respondents Concede That Under This Court’s Previous Decisions,**  
16 **Petitioner is Governed by 8 U.S.C. 1226(a).**

17 Respondents acknowledge that this Court has ruled in favor of applying 8 U.S.C.  
18 1226(a) (“§ 1226”) rather than 8 U.S.C. 1225(b)(2)(A) (“§ 1225”) with facts that are “not  
19 meaningfully distinguishable” to the current facts at hand. *See* ECF No. 14 at 2 (citing *Baba*  
20 *Beltrand v. Mattos*, Case No 2:25-cv-01430-CDS-EJY, ECF No. 54; *Jacobo Ramirez v. Noem*,  
21 Case No. 2:25-cv-02136-RFB-MDC). Respondents “acknowledge that the Court’s prior ruling  
22 would govern if applied here.” *Id.* at 3. Respondent’s concession, along with the several cited  
23 cases in Petitioner’s original Temporary Restraining Order, support Petitioner’s argument that  
24 he is subject to § 1226. *See* ECF No. 2 at 16 n. 1. While Respondents maintain their litigation  
25 position for purposes of appeal or other proceedings, at present there appears no remaining  
26 substantive dispute before this Court that Petitioner is entitled to a bond hearing under Section  
27 1226(a).

1 For purposes of a TRO or Preliminary Injunction, Respondents' position should be taken  
2 as a concession that Petitioner is likely to succeed on the merits. As such, this Court should  
3 grant Petitioner's Temporary Restraining Order (ECF No. 2) and Petition and order a bond  
4 hearing in immigration court for Petitioner within seven days.

5  
6 **III. Though Respondents Err in Asserting Unlimited, Unreviewable Discretion**  
7 **to Move Detainees Around the Country, the Issue Will Likely Become Moot**

8 Respondent protests this Court's order (ECF No. 9) prohibiting the removal of Petitioner  
9 from the District of Nevada. *See* ECF No. 14 at 7-9. Respondents are incorrect to assert, in  
10 essence, that they have unlimited, unreviewable discretion to move detainees around the  
11 country. If this question remains relevant, Petitioner would like the opportunity to argue that  
12 Respondents' legal assertions regarding this Court's jurisdiction are in error. This Court, as  
13 noted in its Order Directing Service of Petition (ECF No. 9), has the power to issue a temporary  
14 injunction to protect its own jurisdiction. *See F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604  
15 (1966). Petitioner notes that if Respondents were to move Petitioner now, he would be taken far  
16 from his attorneys on the verge of having a bond hearing that might release him. He would also  
17 be removed from the jurisdiction of the Immigration Judge who is already familiar with the  
18 facts of his case. On the merits, the Court should not reconsider or reverse its order.

19 However, the Court need not address this dispute at this time. This narrow dispute is  
20 likely to become moot as soon as Petitioner receives a bond hearing. Respondents do not  
21 indicate that they have any exigent need to move Petitioner. Petitioner urges this Court to  
22 instead rule immediately on Petitioner's right to an immediate bond hearing. If the Court  
23 revisits Respondent's arguments regarding relocating Petitioner out of Nevada, it should do so  
24 only if that question remains relevant after Petitioner has had a bond hearing.

25  
26 **IV. Petitioner is Willing to Waive EAJA Fees**  
27  
28

1 The only remaining current dispute between the parties appears to be regarding attorneys  
2 fees. *See* ECF No. 14 at 5-7 (Respondents arguments regarding EAJA fees). To facilitate a  
3 speedy and effective resolution of the pressing issue of his detention, Petitioner is willing to  
4 waive the Equal Access to Justice Act Fee claim. Therefore, this Court need not resolve this  
5 issue.

6  
7 **V. Petitioner Agrees that the Court May Resolve This Matter on the Existing  
8 Record but is Available and Willing to Appear and Present His Position.**

9 Petitioner agrees with Respondents that the Court may resolve this matter on the existing  
10 record and without a hearing, especially given Respondents' clear concessions on the central  
11 substantive issues regarding Petitioner's right to a bond hearing. However, if this Court  
12 determines that a hearing would be helpful, Petitioner is willing, able, and prepared to present  
13 his position.

14 **VI. Conclusion**

15 For the foregoing reasons, Petitioner requests that this Court expeditiously grant the  
16 Petition, and if there is any necessary delay in order to draft such a decision, to immediately  
17 grant his motion for a temporary restraining order or preliminary injunction ordering a bond  
18 hearing in Immigration Court within seven days.

19  
20 DATED this 8th day of February, 2026.

21 Respectfully Submitted,

22  
23 /s/Michael Kagan  
24 Michael Kagan  
25 Nevada Bar. No. 12318C

26 /s/Tia Zghaib  
27 Tia Zghaib  
28 Student Attorney Practicing  
Under Nevada Supreme Court Rule 49.3

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/s/ Raymond Wu  
Raymond Wu  
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