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9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 ISIDRO VILLATORO DOMINQUEZ,

11 Petitioner,

12 v.

13 Kristi NOEM, Secretary, United States
Department of Homeland Security; Pamela
14 BONDI, Attorney General of the United
States; Executive Office for Immigration
15 Review; Todd LYONS, Acting Director,
United States Enforcement and Removal
16 Operations; Jason KNIGHT, Acting Las
Vegas/Salt Lake City Field Office Director,
17 Enforcement and Removal Operations,
United States Immigration and Customs
18 Enforcement (ICE); John MATTOS,
Warden, Nevada Southern Detention Center,
19
20 Respondents.

Case No. 2:26-cv-00172-RFB-NJK

**Federal Respondents' Response to
Petition for Writ of Habeas Corpus,
ECF No. 1**

21 The Federal Respondents hereby submit this Response to Petitioner Isidro Villatoro
22 Dominguez ("Petitioner" or "Dominguez") Petition for Writ of Habeas Corpus, ECF No.

23 1.

24 **I. Introduction**

25 Petitioner seeks a writ of habeas corpus under 28 U.S.C. § 2241 challenging the
26 legality of his immigration detention. ECF No. 1, p.23. On January 27, 2026, the Court
27 ordered Respondents to show cause why the Petition should not be granted, with a response
28 due by January 30, 2026. ECF No. 3.

1 Federal Respondents have carefully reviewed the Petition and submit this response
2 to address the issues identified by the Court. While Respondents do not consent to issuance
3 of the writ and expressly reserve all rights, including the right to appeal, Federal
4 Respondents respectfully submit that further briefing is unnecessary because the legal issues
5 presented are controlled by this Court's recent decisions in *Victor Kalid Jacobo Ramirez v.*
6 *Kristi Noem et al.*, Case No. 2:25-cv-02136-RFB-MDC and *Jesus Perez-Regalado v. Thomas*
7 *Feeley et al.*, Case No. 2:25-cv-02409-RFB-EJY and the material facts are not meaningfully
8 distinguishable.

9 **II. Background and Issues Presented**

10 Petitioner challenges ICE's statutory authority to detain him, asserting that detention
11 is governed by 8 U.S.C. § 1226(a) rather than 8 U.S.C. § 1225(b)(2)(A), and that he is
12 therefore entitled to a bond hearing. The Petition also raises the related issue of whether
13 administrative exhaustion is required before seeking habeas relief and attorney fees under
14 the Equal Access to Justice Act. *See* ECF No. 1, pp. 23-24, 26.

15 Respondents' position is that Petitioner is subject to mandatory detention under 8
16 U.S.C. § 1225(b) because Petitioner was present in the United States without being
17 admitted or paroled. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA 2025); *see*
18 also *Yinxiao Chen v. Almodovar*, 25-CV-09670, 2026 WL 100761, at *6-13 (S.D.N.Y. Jan. 14,
19 2026); *Xiaoquan Chen v. Almodovar*, 2025 WL 3484855, at *3-8 (S.D.N.Y. Dec. 4, 2025).

20 **III. This Court's Prior Decision Controls**

21 The Respondents' position remains consistent that Petitioners who enter the United
22 States without an inspection are applicants for admission, and they are subject to mandatory
23 detention under 8 U.S.C § 1225 (b)(2)(A). Respondents also acknowledge that this Court
24 recently reached different conclusions in *Victor Kalid Jacobo Ramirez v. Kristi Noem et al.*, Case
25 No. 2:25-cv-02136-RFB-MDC and *Jesus Perez-Regalado v. Thomas Feeley et al.*, Case No. 2:25-
26 cv-02409-RFB-EJY, ECF No. 17. In these cases, the Petitioners argued that their detention
27 was mandated by 8 U.S.C. § 1226(a) and not 8 U.S.C. § 1225(b)(2), just like Petitioner
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1 Dominquez. Just like Petitioner Dominquez, the Petitioners in *Jacobo Ramirez* and *Perez-*
2 *Regalado* admitted that they entered the United States without an inspection. Just like in
3 these cases, the Respondents here are also arguing that Petitioner Dominquez is an
4 applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2), during
5 his removal proceedings. Just like in Dominquez, the Petitioners in these cases argued that
6 they should be given bond hearings and be released on a bond.

7 In a decision issued on November 24, 2025, the Court concluded that the Petitioners'
8 detention in *Jacobo Ramirez* was not governed by § 1225 but instead fell under § 1226. See
9 *Victor Kalid Jacobo Ramirez v. Kristi Noem et al.*, Case No. 2:25-cv-02136-RFB-MDC (ECF
10 No. 35). The Court explained that many courts around the country have rejected the
11 application of § 1225 for people already living in the United States, and, held that detention
12 under § 1225 was improper. ECF No. 35. Because the petitioner had not been afforded pre-
13 deprivation process under § 1226(a), the Court ordered immediate release subject to the
14 bond conditions imposed by the Immigration Judge. ECF No. 35

15 Here, the material facts relevant to the statutory-authority question are not
16 meaningfully distinguishable from those presented in *Jacobo Ramirez* and *Perez-Regalado*.
17 Accordingly, if the Court adheres to its prior ruling, that decision would control the
18 outcome of the statutory-authority issue in this case.

19 **IV. Respondents' Position and Preservation of Issues**

20 While Respondents respectfully maintain their position that detention is authorized
21 under § 1225(b), they acknowledge that the Court's prior ruling would govern if applied
22 here. Respondents therefore rely upon, and incorporate by reference, the legal arguments
23 previously presented in *Jacobo Ramirez* and *Perez-Regalado*, without re-briefing those issues, to
24 conserve judicial and party resources and to facilitate prompt resolution of this matter.

25 Federal Respondents do not consent to issuance of the writ, the imposition of
26 attorney's fees, and expressly reserve all rights, including the right to appeal. In support of
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1 their position, the Respondents are also attaching the Notice of Appearance as Exhibit A, I-
2 286 as Exhibit B and I-213, as Exhibit C.

3 **V. Hearing**

4 Respondents submit that the Court may resolve this matter on the existing record
5 and without a hearing. If, however, the Court determines that a hearing would be helpful,
6 Federal Respondents will appear and present their position.

7 **VI. Conclusion**

8 For the foregoing reasons, Federal Respondents respectfully submit this Response to
9 the Order to Show Cause and request that the Court resolve the Petition consistent with its
10 prior ruling in *Jacobo Ramirez* and *Perez-Regalado*.

11 Respectfully submitted this 30th day of January 2026.

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13 TODD BLANCHE
14 Deputy Attorney General of the United States
15 SIGAL CHATTAH
16 First Assistant United States Attorney

17
18 /s/ Virginia T. Tomova
19 VIRGINIA T. TOMOVA
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