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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 Israel Nunez Figueroa,
13 Petitioner,
v.

14 John Mattos, NSDC Warden; Michael
Bernacke, Field Director, West Valley City
15 Office of ICE ERO; Todd Lyons, ICE
Acting Director; Kristi Noem DHS
16 Secretary; Pam Bondi, U.S. Attorney
General,

17 Respondents.
18

Case No. 2:26-cv-00184-RFB-MDC

**Federal Respondents' Response to
Amended Petition for Writ of Habeas
Corpus, ECF No. 10**

19 The Federal Respondents hereby submit this Response to Petitioner Israel Nunez
20 Figueroa's ("Petitioner" or "Nunez Figueroa") Amended Petition for Writ of Habeas
21 Corpus, ECF No. 10.

22 **I. Introduction**

23 Petitioner seeks a writ of habeas corpus under 28 U.S.C. § 2241 challenging the
24 legality of his immigration detention. ECF No. 10, pp.4-5. On February 3, 2026, the Court
25 ordered that Federal Respondents' respond to Petitioner's Amended Writ of Habeas
26 Corpus by February 6, 2026. ECF No. 9.

27 Federal Respondents have carefully reviewed the Petition and submit this response
28 to address the issues identified by the Court. While Respondents do not consent to issuance

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

7 **II. Background and Issues Presented**

8 Petitioner challenges ICE's statutory authority to detain him, asserting that
9 detention is governed by 8 U.S.C. § 1226(a) rather than 8 U.S.C. § 1225(b)(2)(A), and that
10 he is therefore entitled to a bond hearing. *See* ECF No. 10, pp. 4-5.

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

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

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

1 1225(b)(2), during his removal proceedings. Just like in Nunez Figueroa, the Petitioners in
2 these cases argued that they should be given bond hearings and be released on a bond.

3 In a decision issued on November 24, 2025, the Court concluded that the
4 Petitioners' detention in *Jacobo Ramirez* was not governed by § 1225 but instead fell under §
5 1226. See *Victor Kalid Jacobo Ramirez v. Kristi Noem et al.*, Case No. 2:25-cv-02136-RFB-
6 MDC (ECF No. 35). The Court explained that many courts around the country have
7 rejected the application of § 1225 for people already living in the United States, and, held
8 that detention under § 1225 was improper. ECF No. 35. Because the petitioner had not
9 been afforded pre-deprivation process under § 1226(a), the Court ordered immediate
10 release subject to the bond conditions imposed by the Immigration Judge. ECF No. 35

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

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

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

21 Federal Respondents do not consent to issuance of the writ, the imposition of
22 attorney's fees, and expressly reserve all rights, including the right to appeal.

23 **V. Hearing**

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

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