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

12 LUIS ALBERTO CHALAS-RAMBALDE,
13 Petitioner,
14 v.
15 PAMELA BONDI, *et. al.*,
16 Respondents.

Case No. 2:26-cv-00222-RFB-EJY

**Federal Respondents' Response to
Petitioner's Petition for a Writ of
Habeas Corpus Under 28 U.S.C. § 2241
(ECF No. 1-1)**

17 Federal Respondents by and through their undersigned counsel hereby file their
18 Response to Petitioner's Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241
19 (ECF No. 1-1).

20 **I. Factual Background**

21 On December 11, 2015, Petitioner Luis Alberto Chalas-Rambalde ("Petitioner")
22 who is a citizen of the Dominican Republic was admitted to the United States as a lawful
23 permanent resident. *See* I-213 Form of Petitioner attached hereto as Exhibit A. On May 15,
24 2025, Petitioner was convicted in the State of Utah on two counts of forceable sexual abuse
25 involving two females, which is a second-degree felony. *See* Sentence, Judgment,
26 Commitment Notice from State of Utah Third Judicial District in Salt Lak County District
27 Court attached hereto as Exhibit B. Petitioner pled guilty to touching the anus, buttocks,
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1 pubic area, or any part of the genitals of another, or touching the breast of a female, or
2 otherwise taking indecent liberties with another, with the intent to cause substantial
3 emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual
4 desire of any individual, without the consent of the other involving two females. *See*
5 Amended Information attached hereto as Exhibit C. Petitioner was sentenced to a term of
6 638 days on each count and credit was given for time previously served which was 1276
7 days. *See* Exhibit B. He was placed on probation for forty-eight months with conditions. On
8 July 24, 2025, Petitioner was taken into ICE custody. Petitioner was charged as removable
9 pursuant to 8 U.S.C. § 1227(a)(2)(A)(iii) and his detention is governed by 8 U.S.C. §
10 1226(c). Petitioner was provided with a Notice to Appear. *See* Notice to Appear attached
11 hereto as Exhibit C. On September 3, 2025, Petitioner’s application for pre-conclusion
12 voluntary departure under INA § 240(b)(a) was denied and he was ordered removed to
13 Dominican Republic by the Immigration Judge (“IJ”). *See* Order of the Immigration Judge
14 September 3, 2025, attached hereto as Exhibit D. Petitioner reserved his right to appeal the
15 IJ’s decision. On September 25, 2025, Petitioner filed a timely appeal to the Board of
16 Immigration Appeal (“BIA”) appealing the IJ’s decision of removal. *See* Notice of Appeal
17 from a Decision of an Immigration Judge attached hereto as Exhibit E.

18 Federal Respondents’ position is that Petitioner is subject to mandatory detention
19 under 8 U.S.C. § 1226(c) due to his criminal convictions on two counts of forceable sexual
20 abuse under Utah law. As of this filing, Petitioner is not subject to 8 U.S.C. § 1231(a)
21 because the ninety-day removal period does not begin until the BIA has issued a decision
22 on Petitioner’s appeal of the IJ’s Order removing Petitioner to Dominican Republic and
23 hence his Petition should be denied.

24 **II. Legal Argument**

25 **A. Petitioner is Subject to Mandatory Detention Pursuant to 8 U.S.C. § 1226(c)**

26 There are two primary categories of civil detention of noncitizens: pre-final-order
27 detention, governed by 8 U.S.C. § 1225(b) or 8 U.S.C. § 1226, and post-final-order
28 detention, governed by 8 U.S.C. § 1231. 8 U.S.C. § 1231(a)(1)(B) sets forth when a

1 noncitizen's detention status shifts from pre-final-order detention to post-final-order
2 detention.

3 8 U.S.C. § 1231(a)(1)(B) states:

4 **(B) Beginning of period**

5 The removal period begins on the latest of the following:

6 (i) The date the order of removal becomes administratively final.

7 (ii) If the removal order is judicially reviewed *and if a court orders a stay of the*
8 *removal of the alien*, the date of the court's final order.

9 (iii) If the alien is detained or confined (except under an immigration process),
10 the date the alien is released from detention or confinement.

11 The detention of non-citizens who are in ongoing removal proceedings is governed by either
12 8 U.S.C. § 1226 or 8 U.S.C. § 1225(b). Under § 1226(a), DHS may detain a non-citizen in
13 the United States pending a decision in removal proceedings or may release the non-citizen
14 on bond. By contrast, § 1226(c) provides non-citizens who are removable for having
15 committed certain enumerated offenses are subject to mandatory detention during their
16 removal proceedings. A noncitizen's place "within this statutory scheme can affect whether
17 his detention is mandatory or discretionary, as well as the kind of review process available
18 to him if he wishes to contest the necessity of his detention." *Prieto-Romero v. Clark*, 534 F.3d
19 1053, 1057 (9th Cir. 2008). In *Mayo v. Semaia*, 2025 U.S. Dist. LEXIS 252291, at 8, the
20 Court stated, "The governing law is 8 C.F.R. § 1241.1. This states that
21 an order of removal becomes final (a) upon dismissal of an appeal by the BIA, (b) upon
22 waiver of an appeal by the respondent; (c) upon expiration of time allotted for an appeal,
23 assuming the respondent does not appeal within that time; (d) if certified to the BIA or
24 Attorney General, upon the date of the subsequent decision ordering removal; (e) if an
25 immigration judge orders an immigrant removed in their absence, immediately upon the
26 entry of the order; or (f) if an immigration judge issues an alternate order of removal in
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1 connection with a grant of voluntary departure, upon overstay of the voluntary departure
2 period, or upon the failure to timely post a voluntary departure bond." However, when an
3 order is appealed to the BIA, it becomes final only when the BIA dismisses the appeal. 8
4 C.F.R. § 1241.1(a). As Petitioner has timely appealed his removal order to the BIA, it does
5 not qualify as "administratively final." Therefore, Section 1231 cannot justify Petitioner's
6 detention. *See Prieto*, 534 F.3d at 1059 (holding that when the removal period has not begun,
7 "the [noncitizen] may not be detained under any subsection of § 1231(a) unless and until"
8 the event triggering the removal period takes place). *Coral v. Chestnut*, 2026 U.S. Dist.
9 LEXIS 3612, at 5.

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11 In this case, Petitioner is mandatorily detained under 8 U.S.C. § 1226(c) during his
12 removal proceedings, due to his criminal convictions of two counts of forceable sexual
13 abuse. As of this filing, the BIA has not yet issued its ruling on Petitioner's appeal of the IJ's
14 decision. Therefore, there is currently no order of removal that is administratively final to
15 shift Petitioner's detention from 8 U.S.C. § 1226(c) to 8 U.S.C. § 1231(a). Therefore,
16 Petitioner is in pre-final-order detention subject to mandatory detention under 8 U.S.C. §
17 1226(c).
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20 Initially, § 1226(c) requires the Attorney General of the United States to detain non-
21 citizens who fall "into one of several enumerated categories involving criminal offenses and
22 terrorist activities." *Jennings v. Rodriguez*, 583 U.S. 281, 289, 138 S. Ct. 830, 200 L. Ed. 2d
23 122 (2018). Under this provision, detention is mandatory. *See Avilez*, 69 F.4th at 530
24 (citing *Jennings*, 583 U.S. at 305-306). But it is not infinite. Rather, § 1226(c) "authorize[s]
25 detention pending a decision on whether [a] noncitizen is to be removed from the United
26 States." *Id.* at 537 (citations and quotation marks omitted). Put differently, "detention
27 under § 1226(c) has a 'definite termination point:' the conclusion of removal
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1 proceedings." Jennings, 583 U.S. at 304 (citation omitted). *Tanahan v. United States*, 2026
2 U.S. Dist. LEXIS 10886, at 7.

3 In this case, Petitioner recently filed his appeal to the BIA on September 25, 2025.
4 Therefore, his order of removal is not administratively final until the BIA denies his appeal.
5 If the BIA were to deny his appeal, then Petitioner would be subject to 8 U.S.C. § 1231 post
6 final order removal detention. However, as of now, Petitioner is subject to 8 U.S.C. §
7 1226(c). Meanwhile, § 1231 governs the detention of non-citizens who are subject to final
8 orders of removal. See 8 U.S.C. § 1231(a); see also *Rodriguez Diaz v. Garland*, 53 F.4th 1189,
9 1197 (9th Cir. 2022) (citing *Jennings v. Rodriguez*, 583 U.S. 281, 298, 138 S. Ct. 830, 200 L.
10 Ed. 2d 122 (2018)) (clarifying that § 1231(a) supplies DHS's detention authority once a non-
11 citizen is subject to a final removal order). When a non-citizen "is ordered removed, [DHS]
12 must physically remove [them] from the United States within a 90-day 'removal
13 period.'" *Johnson v. Guzman Chavez*, 594 U.S. 523, 528, 141 S. Ct. 2271, 210 L. Ed. 2d 656
14 (2021) (quoting 8 U.S.C. § 1231(a)(1)(A)). During this period, "detention is
15 mandatory." *Id.* (citing § 1231(a)(2)). A non-citizen's removal period begins on the latest of
16 three dates: (i.) when their removal order becomes administratively final; (ii.) when a court
17 that stayed deportation enters a final order regarding deportation; or (iii.) when they are
18 released from non-immigration detention. See 8 U.S.C. § 1231(a)(1)(B); see also *Guzman*
19 *Chavez*, 594 U.S. at 528 (citing 8 U.S.C. § 1231(a)(1)(B)). *Tanahan v. United States*, 2026 U.S.
20 Dist. LEXIS 10886, at 7-8. Once an alien has a final removal order that is not subject to a
21 judicial stay, detention authority shifts to 8 U.S.C. § 1231(a). See *Jennings*, 138 S. Ct. at
22 843; *Diouf v. Napolitano*, 634 F.3d 1081, 1085 (9th Cir. 2011); 8 U.S.C. § 1231(a)(1)(B). The
23 Supreme Court held that six months is a presumptively reasonable period of time to deport
24 a non-citizen. See *Zadvydas*, 533 U.S. at 700-701. In practice, this means that DHS can
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1 presumptively detain a non-citizen for up to "six months after a final order of removal—that
2 is, three months after the statutory removal period has ended." *Kim Ho Ma v. Ashcroft*, 257
3 F.3d 1095, 1102 n.5 (9th Cir. 2001). "After that point, if the [non-citizen] 'provides good
4 reason to believe that there is no significant likelihood of removal in the reasonably
5 foreseeable future,' the [g]overnment must either rebut that showing [*10] or release the
6 [non-citizen]." *Guzman Chavez*, 549 U.S. at 529 (citation omitted) (quoting *Zadvvydas*, 533
7 U.S. at 701). *Tanahan v. United States*, 2026 U.S. Dist. LEXIS 10886, at 9-10.

9 In this case, Petitioner is not yet subject to 8 U.S.C. § 1231(a)(1)(B) because there is
10 no order of removal that is administratively final since the IJ's removal order has been
11 appealed by Petitioner to the BIA and as of the date of this filing, the BIA has not yet
12 rendered a decision on Petitioner's appeal. Even Petitioner acknowledges this important
13 fact. In his Petition where it states "Date of the removal or reinstatement order:" Petitioner
14 wrote "No orders yet."

16 **B. Federal Respondents Did Not Violate Petitioner's Due Process Clause of the**
17 **Fifth Amendment when they arrested and detained Petitioner (Ground One of**
18 **Petition)**

19 Petitioner was charged as removable pursuant to 8 U.S.C. § 1227(a)(2)(A)(iii) and his
20 detention is governed by 8 U.S.C. § 1226(c) as he is currently in removal proceedings.
21 Petitioner was convicted of forceable sexual abuse, which is a second-degree felony in the
22 State of Utah. Petitioner pled guilty to touching the anus, buttocks, pubic area, or any part
23 of the genitals of another, or touches the breast of a female, or otherwise takes indecent
24 liberties with another, with the intent to cause substantial emotional or bodily pain to any
25 individual or with the intent to arouse or gratify the sexual desire of any individual, without
26 the consent of the other involving two females. These are serious criminal convictions
27 which warranted ICE to detain Petitioner for removal and mandatory detention pursuant
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1 to 8 U.S.C. § 1226(c). Since his conviction involved sex offenses such a forceable sexual
2 abuse, those convictions qualify as a crime of moral turpitude requiring mandatory
3 detention pursuant to 8 U.S.C. § 1226(c)(1)(A) and therefore Petitioner is inadmissible by
4 reason of having committed an offense covered under 8 U.S.C. 1182(a)(2).
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6 Petitioner was issued a notice to appear, and a court hearing was conducted for him
7 to present evidence. The IJ ruled that Petitioner be removed to Dominican Republic.
8 Petitioner filed an appeal to the BIA challenging the order of removal. It is unpersuasive for
9 Petitioner to claim that ICE violated his due process when he was presented with the
10 charges, was given an opportunity to be heard and appealed the IJ's decision which is
11 currently pending before the BIA. Petitioner conveniently failed to mention in his Petition
12 that he was convicted on two counts of forcible sexual abuse, which is an important fact
13 because it subjects him to mandatory detention under 8 U.S.C. § 1226(c) as a noncitizen for
14 crimes of moral turpitude. Instead, Petitioner mentioned in passing that he was sentenced
15 to probation. See ECF No. 1-1, Page 1, section 4. Petitioner did not provide any evidence
16 that Federal Respondents violated his due process rights when they detained him and
17 charged him as removable pursuant to 8 U.S.C. § 1227(a)(2)(A)(iii). Therefore, the court
18 should dismiss the Petition.
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21 **C. Petitioner Cannot Show Irreparable Harm for being in ICE Custody during his**
22 **Removal Proceedings (Ground Two of Petition)**

23 Petitioner cited to *Hernandez v. Session*, 872 F.3d 976, 995 (9th Cir. 2017) as support for
24 his position that he suffers irreparable harm from his detention and should be released from
25 detention. *Hernandez* dealt with Petitioners who were subject to 8 U.S.C. § 1226(a)
26 discretionary detention where the government had already determined they are neither
27 dangerous nor enough of a flight risk to require detention without bond. *Id.* at 981. In this
28 case, Petitioner is subject to mandatory detention pursuant to 8 U.S.C. § 1226(c), not

1 discretionary detention under 8 U.S.C. § 1226(a), as a result of his criminal convictions for
2 serious criminal offenses involving forceable sexual abuse of two females. Furthermore, the
3 IJ ruled that Petitioner is subject to removal to Dominican Republic. Therefore, *Hernandez*
4 is not applicable or analogous to this case. It appears based on Ground Two of the Petition,
5 Petitioner was requesting a “Restraining Order against ICE through emergency
6 injunction.” since it is included on his “Request for Relief.” See ECF No. 1-1, page 7-8.

8 The legal standard for issuing a Temporary Restraining Order (“TRO”) is
9 essentially identical to the standard for issuing a preliminary injunction. *See Stuhlberg Int’l*
10 *Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001); *see also Zamfir v.*
11 *Casperlabs, LLC*, 528 F. Supp. 3d 1136, 1142 (S.D. Cal. 2021). “A party seeking a
12 preliminary injunction must meet one of two variants of the same standard.” *All. for the*
13 *Wild Rockies v. Pena*, 865 F.3d 1211, 1217 (9th Cir. 2017). Under the *Winter* standard, a
14 party is entitled to a preliminary injunction if he demonstrates (1) that he is likely to
15 succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of
16 preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction
17 is in the public interest. *Winter v. NRDC, Inc.*, 555 U.S. 7, 20 (2008); *see Nken v. Holder*, 556
18 U.S. 418, 426 (2009). A party must make a showing on all four prongs. *A Woman’s Friend*
19 *Pregnancy Res. Clinic v. Becerra*, 901 F.3d 1166, 1167 (9th Cir. 2018) (cleaned up). Plaintiffs
20 must demonstrate a “substantial case for relief on the merits.” *Leiva-Perez v. Holder*, 640
21 F.3d 962, 967–68 (9th Cir. 2011). When “a plaintiff has failed to show the likelihood of
22 success on the merits, we need not consider the remaining three [*Winter* factors].” *Garcia v.*
23 *Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015).

26 The final two factors required for preliminary injunctive relief — balancing of the
27 harm to the opposing party and the public interest — merge when the Government is the
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1 opposing party. *See Nken*, 556 U.S. at 435. The Supreme Court has specifically
2 acknowledged that “[f]ew interests can be more compelling than a nation’s need to ensure
3 its own security.” *Wayte v. United States*, 470 U.S. 598, 611 (1985); *see also United States v.*
4 *Brignoni-Ponce*, 422 U.S. 873, 878-79 (1975); *New Motor Vehicle Bd. of California v. Orrin W.*
5 *Fox Co.*, 434 U.S. 1345, 1351 (1977); *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211,
6 1220–21 (D.C. Cir. 1981); *Maharaj v. Ashcroft*, 295 F.3d 963, 966 (9th Cir. 2002) (movant
7 seeking injunctive relief “must show either (1) a probability of success on the merits and the
8 possibility of irreparable harm, or (2) that serious legal questions are raised and the balance
9 of hardships tips sharply in the moving party’s favor.”) (quoting *Andreiu v. Ashcroft*, 253
10 F.3d 477, 483 (9th Cir. 2001)).

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13 In this case, Petitioner has not and cannot establish that he is likely to succeed on
14 the underlying merits, there is no showing of irreparable harm, and the equities do not
15 weigh in his favor. First, Petitioner is subject to mandatory detention under 8 U.S.C. §
16 1226(c) based on his criminal convictions on two counts of sex offenses involving forceable
17 sexual abuse of two females. Petitioner cannot establish that he is likely to succeed on the
18 underlying merits of his claims because the facts of the case and 8 U.S.C. § 1226(c) support
19 mandatory detention. Second, Petitioner cannot show irreparable harm. To prevail on his
20 request for interim injunctive relief, Petitioner must demonstrate “immediate threatened
21 injury.” *Caribbean Marine Servs. Co. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *Los*
22 *Angeles Mem’l Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197, 1201 (9th Cir. 1980)).
23 Merely showing a “possibility” of irreparable harm is insufficient. *See Winter*, 555 U.S. at
24 22. And as discussed above, detention alone is not an irreparable injury. *See Reyes*, 2021
25 WL 662659, at *3 (“[C]ivil detention after the denial of a bond hearing [does not]
26 constitute[] irreparable harm such that prudential exhaustion should be waived.”). Further,
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1 “[i]ssuing a preliminary injunction based only on a possibility of irreparable harm is
2 inconsistent with [the Supreme Court’s] characterization of injunctive relief as an
3 extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is
4 entitled to such relief.” *Winter*, 555 U.S. at 22. Here, as explained above, because
5 Petitioner’s alleged harm “is essentially inherent in detention, the Court cannot weigh this
6 strongly in favor of” Petitioner. *Lopez Reyes v. Bonnar*, No. 18-CV-07429-SK, 2018 WL
7 7474861, at *10 (N.D. Cal. Dec. 24, 2018). Third, the balance of equities does not tip in
8 Petitioner’s favor and public interest weighs heavily against granting Petitioner’s equitable
9 relief. It is well settled that the public interest in enforcement of the United States’
10 immigration laws is significant. *See, e.g., United States v. Martinez-Fuerte*, 428 U.S. 543, 551-
11 58 (1976); *Blackie’s House of Beef, Inc.*, 659 F.2d at 1221 (“The Supreme Court has
12 recognized that the public interest in enforcement of the immigration laws is significant.”)
13 (citing cases); *see also Nken*, 556 U.S. at 435 (“There is always a public interest in prompt
14 execution of removal orders: The continued presence of an alien lawfully deemed
15 removable undermines the streamlined removal proceedings IIRIRA established and
16 permits and prolongs a continuing violation of United States law.”) (internal quotation
17 omitted). The BIA also has an “institutional interest” to protect its “administrative agency
18 authority.” *See McCarthy v. Madigan*, 503 U.S. 140, 145, 146 (1992) *superseded by statute as*
19 *recognized in Porter v. Nussle*, 534 U.S. 516 (2002). “Exhaustion is generally required as a
20 matter of preventing premature interference with agency processes, so that the agency may
21 function efficiently and so that it may have an opportunity to correct its own errors, to
22 afford the parties and the courts the benefit of its experience and expertise, and to compile a
23 record which is adequate for judicial review.” *Glob. Rescue Jets, LLC v. Kaiser Found. Health*
24 *Plan, Inc.*, 30 F.4th 905, 913 (9th Cir. 2022) (quoting *Weinberger v. Salfi*, 422 U.S. 749, 765
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1 (1975)). Indeed, “agencies, not the courts, ought to have primary responsibility for the
2 programs that Congress has charged them to administer.” *McCarthy*, 503 U.S. at 145.
3 Moreover, “[u]ltimately the balance of the relative equities ‘may depend to a large extent
4 upon the determination of the [movant’s] prospects of success.’” *Tiznado-Reyna v. Kane*,
5 Case No. CV 12-1159-PHX-SRB (SPL), 2012 WL 12882387, at * 4 (D. Ariz. Dec. 13,
6 2012) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 778 (1987)).

8 In this case, as explained above, Petitioner cannot succeed on the merits of his
9 claims because his detention is lawful under 8 U.S.C. § 1226(c) during his removal
10 proceedings. If the BIA denies his appeal, Petitioner’s detention will shift from 8 U.S.C. §
11 1226(c) to 8 U.S.C. § 1231(a) post-final order detention to remove him to Dominican
12 Republic. The balancing of equities and the public interest weigh heavily against granting
13 Petitioner equitable relief. It is not in the public interest to release Petitioner who is
14 currently in removal proceedings, who has been convicted on two counts of forcible sexual
15 abuse involving two females and currently has an appeal pending before the BIA. As stated
16 above, if the BIA denies his appeal, Petitioner will be subject to 8 U.S.C. § 1231(a) post
17 removal order proceedings to remove him to Dominican Republic because there would be
18 an order of removal that is administratively final. However, it is in the public interest that
19 while his case is pending before the BIA, that Petitioner be mandatorily detained under 8
20 U.S.C. § 1226(c) given his recent criminal convictions on two counts involving forcible
21 sexual abuse of two females, which constitutes crimes of moral turpitude. Therefore,
22 Ground Two should be dismissed along with the entire Petition.

25 **D. Petitioner is subject to 8 U.S.C. § 1226(c) because his convictions involve a crime**
26 **of moral turpitude**

27 Rape and similar sexual offense have long been held to be crimes involving moral
28 turpitude and Petitioner is thus subject to 8 U.S.C. § 1226(c)’s mandatory detention

1 provision. *See Nunez v. Holder*, 594 F.3d 1124, 1132 (9th Cir. 2010) (recognizing rape as
2 a crime of moral turpitude); *Levin v. I.N.S.*, 4 F. App'x 402, 403 (9th Cir. 2001). *Castro v.*
3 *White*, 2024 U.S. Dist. LEXIS 241787, *5. Title 8 U.S.C. § 1226 provides the framework
4 for the arrest, detention, and release of non-citizens who are in removal proceedings. 8
5 U.S.C. § 1226; *see also Demore v. Kim*, 538 U.S. 510, 530, 123 S. Ct. 1708, 155 L. Ed. 2d 724
6 (2003) ("Detention during removal proceedings is a constitutionally permissible part of that
7 process."); *Avilez v. Garland*, 69 F.4th 525, 529-530 (9th Cir. 2023). Under § 1226(a) the
8 Department of Homeland Security (DHS) has the discretionary authority to determine if a
9 noncitizen should be detained, released on bond, or released on conditional parole pending
10 the completion of removal proceedings, unless the non-citizen falls within one of the
11 categories of criminals described in § 1226(c), for whom detention is mandatory until
12 removal proceedings have concluded. 8 U.S.C. § 1226; *Jennings v. Rodriguez*, 583 U.S. 281,
13 303-06, 138 S. Ct. 830, 200 L. Ed. 2d 122 (2018). "Subsection c applies throughout the
14 administrative and judicial phases of removal proceedings" *Avilez*, 69 F.4th at 535. This
15 means individuals who are detained under § 1226(c) "are not statutorily eligible for release
16 on bond during the judicial phase of the proceedings, except under the narrow
17 circumstances defined by § 1226(c)(2) [where DHS determines release is necessary for
18 witness-protection purposes and the noncitizen will not pose a danger or flight risk.]" *Id.* at
19 535-36; 8 U.S.C. § 1226(c). Section 1226(c)(1)(B) includes any non-citizen who "is
20 deportable by reason of having committed any offenses that are crimes of moral
21 turpitude, *see* 8 U.S.C. § 1227(a)(2)(A)(i), or an offense that is an aggravated felony. *See* 8
22 U.S.C. § 1227(a)(2)(A)(iii). *Castro v. White*, 2024 U.S. Dist. LEXIS 241787, at 4-5.

23 In this case, Petitioner was convicted on two counts of forcible sexual abuse
24 involving two females. These recent criminal convictions in the State of Utah are serious in
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1 nature and clearly qualify as crimes involving moral turpitude that subjects Petitioner to
2 mandatory detention under 8 U.S.C. § 1226(c).

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4 **III. Conclusion**

5 For the foregoing reasons, Federal Respondents respectfully request that the Court
6 deny Petitioner's Petition for a Writ of Habeas Corpus.

7 Respectfully submitted this 5th day of February 2026.

8 TODD BLANCHE
9 Deputy Attorney General of the United States
10 SIGAL CHATTAH
11 First Assistant United States Attorney

12 /s/ Tamer B. Botros
13 TAMER B. BOTROS
14 Assistant United States Attorney
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