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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

Alfonso RANGEL RODRIGUEZ,

Petitioner-Plaintiff,

v.

Kristi NOEM, in his Official Capacity, Secretary,
U.S. Department of Homeland Security;

Pam BONDI, in his Official Capacity, Attorney
General of the United States;

Todd M. LYONS, Acting Director, Immigration and
Customs Enforcement, U.S. Department of Homeland
Security;

Jason KNIGHT, Salt Lake City Field Office Director
for Detention and Removal, U.S. Immigration and
Customs Enforcement, Department of Homeland
Security; and

Darin BALAAM, Sherriff, Washoe County Detention
Center.

Respondents-Defendants.



Agency No.



**PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Challenge to Unlawful
Incarceration Under Color of
Immigration Detention Statutes;
Request for Declaratory and
Injunctive Relief

INTRODUCTION

1. Petitioner Alfonso Rangel Rodriguez (“Mr. Rangel Rodriguez”), Agency Number 
 by and through his undersigned counsel, respectfully submits this petition for a Writ of

1 Habeas Corpus and a Complaint for Declaratory and Injunctive Relief to stop the U.S. Department
2 of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) from
3 unlawfully detaining him in immigration custody while his removal proceedings are pending.

4 2. Petitioner requests his immediate release from custody at the Washoe County Detention
5 Center, where ICE is unlawfully detaining him without providing clear and convincing evidence
6 that he poses a flight risk or danger to the community, as required by the Due Process Clause of
7 the Fifth Amendment. Alternatively, he seeks a constitutionally compliant bond hearing wherein
8 the government bears the burden of justifying his continued detention.

9 3. By way of background, Mr. Rangel Rodriguez is a native and citizen of Mexico who
10 last entered the United States in July 1995 without inspection and without being admitted or
11 paroled. He first came to the attention of Immigration and Customs Enforcement (“ICE”) on
12 January 21, 2026, while he was being held at the Washoe County Jail following an arrest on
13 December 11, 2025, for domestic battery.

14 4. After the conclusion of the related criminal proceedings, ICE immediately assumed
15 custody of Mr. Rangel Rodriguez on January 21, 2026. He has remained in immigration custody
16 since that date and is currently detained at the Washoe County Jail.

17 5. The current position of EOIR as it relates to bond for individuals who entered the United
18 States without inspection and admission or parole is as follows: “The official position of EOIR is
19 that *Maldonado Bautista* is not a nationwide injunction and does not purport to vacate, stay, or
20 enjoin *Yajure Hurtado*. Therefore, *Yajure Hurtado* remains binding precedent on agency
21 adjudicators. For clarification, declaratory judgments differ from injunctions in that the former
22 clarifies parties’ legal rights and relationships without ordering specific action, while the latter is
23 a court order compelling a party to do or stop doing a specific act. A declaratory judgment is not
24 an equitable remedy and does not, by itself, have the effect of compelling a specific action by a
25 party. Pursuant to official agency policy, immigration courts no longer have the authority to issue
26 bonds to any individual falling under *Matter of Yajure Hurtado* (namely any individual who has
27 not been admitted to the United States). Because this court lacks the delegated authority to
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1 consider bond for individuals who have not been admitted to the United States, this Court must
2 find that the respondent is not eligible for release on bond¹.

3 6. Accordingly, under this position, Mr. Rangel Rodriguez has not sought a bond hearing, as
4 he would not be eligible for one due to his entry without inspection and lack of admission or
5 parole. As a result, any request for a bond hearing would be futile absent intervention by this
6 Court.

7 7. Mr. Rangel Rodriguez's prolonged detention violates the Due Process Clause of the
8 Fifth Amendment, as DHS has failed to establish, by clear and convincing evidence, that Mr.
9 Rangel Rodriguez is either a danger to the community or a flight risk. Furthermore, Mr. Rangel
10 Rodriguez is not subject to mandatory detention and therefore entitled to a bond hearing.

11 8. Mr. Rangel Rodriguez respectfully seeks immediate release from detention, or in the
12 alternative, a constitutionally adequate bond hearing at which the government bears the burden to
13 justify detention.

14 CUSTODY

15 9. Mr. Rangel Rodriguez is currently in custody of ICE at the Washoe County Detention
16 Center in Reno, Nevada. Mr. Rangel Rodriguez is therefore in "'custody' of [the DHS] within the
17 meaning of the habeas corpus statute." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

18 JURISDICTION

19 10. This action arises under the Constitution of the United States and the Immigration and
20 Nationality Act (INA), 8 U.S.C. § 1101 et seq.

21 11. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 2241
22 (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. §§ 2201 *et seq.*
23 (Declaratory Judgment Act), the All Writs Act, 28 U.S.C. § 1651, Article I, Section 9, Clause 2
24 of the U.S. Constitution (the Suspension Clause), Article III of the U.S. Constitution, and under
25 the common law.

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28 ¹ This is an excerpt taken directly from an immigration judge's bond decision in a different matter.

1 prudential exhaustion where administrative remedies are inadequate or ineffective, when
2 pursuing them would be futile, when irreparable harm would result, or where the administrative
3 process would be void. *Id.* (citing *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)). The
4 burden is on the party seeking waiver of prudential exhaustion to demonstrate that at least one of
5 the *Laing* factors applies. *Aden v. Nielsen*, 2019 WL 5802013, at 2 (W.D. Wash. Nov. 7, 2019).
6

7 18. Although Mr. Rangel Rodriguez has not yet requested a bond hearing, a bond hearing
8 request would be futile due to EOIR's current position. The Ninth Circuit has made clear that
9 exhaustion is not required where administrative recourse would be futile—such as when the
10 agency's position on the relevant issue is already established and the outcome of the appeal is
11 certain. *El Rescate Legal Servs., Inc. v. Exec. Off. of Imm. Rev.*, 959 F.2d 742, 747 (9th Cir.
12 1992).
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14 19. The *Matter of Yajure Hurtado* was issued as a precedential decision by the BIA. Under 8
15 C.F.R. § 1003.1(g)(1), such decisions are binding in all cases involving the same issue(s); see
16 also 8 C.F.R. § 1003.1(d)(1)(i). Because the BIA has already exercised its expertise and reached
17 a conclusive determination in *Yajure Hurtado*, and EOIR has adopted that decision, further
18 exhaustion is unnecessary. The decision establishes that individuals found inadmissible under 8
19 U.S.C. § 1182(a)(6)(A)(i)—that is, those present in the U.S. without being admitted or paroled—
20 are subject to mandatory detention without bond under 8 U.S.C. § 1225(b)(2).
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22 20. Therefore, Mr. Rangel Rodriguez respectfully requests that the Court waive the
23 prudential exhaustion requirement on grounds of futility. As established in *Aden*, 2019 WL
24 5802013, at 2, satisfying just one of the *Laing* factors is sufficient; therefore, analysis of the
25 remaining factors is unnecessary.
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PARTIES

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2 21. Mr. Rangel Rodriguez is a citizen and national of Mexico who last entered the United
3 States in July 1995 without inspection and without being admitted or paroled. He has continuously
4 resided in the United States since that time and is currently detained under the direct custody and
5 control of the Respondents and their agents at the Washoe County Jail.

6 22. Respondent Darin BALAAM is the Sherriff of the Washoe County Detention Center,
7 where Petitioner is currently held. He has immediate physical custody of Petitioner pursuant to
8 the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and,
9 as such, serves as one of Petitioner's legal custodians.

10 23. Respondent Jason KNIGHT is sued in his official capacity as the Acting Director of the
11 Salt Lake City Field Office of U.S. Immigration and Customs Enforcement. Respondent
12 KNIGHT is a legal custodian of Petition and has authority to release his.

13 24. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his official
14 capacity. Among other things, ICE is responsible for the administration and enforcement of the
15 immigration laws, including the removal of noncitizens. In his official capacity as head of ICE,
16 he is the legal custodian of Mr. Rangel Rodriguez.

17 25. Respondent Kristi NOEM is the Secretary of DHS and is named in his official capacity.
18 DHS is the federal agency encompassing ICE, which is responsible for the administration and
19 enforcement of the INA and all other laws relating to the immigration of noncitizens. In his
20 capacity as Secretary, Respondent Noem has responsibility for the administration and
21 enforcement of the immigration and naturalization laws pursuant to section 402 of the Homeland
22 Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. §
23 1103(a). Respondent Noem is the ultimate legal custodian of Mr. Rangel Rodriguez.

24 26. Respondent Pam BONDI is the Attorney General of the United States and the most senior
25 official in the U.S. Department of Justice (DOJ) and is named in his official capacity. He has the
26 authority to interpret immigration laws and adjudicate removal cases. The Attorney General
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1 delegates this responsibility to the Executive Office for Immigration Review (EOIR), which
2 administers the immigration courts and the BIA.

3 STATEMENT OF FACTS

4 **Background and Personal History**

5 Mr. Rangel Rodriguez was born on [REDACTED] and is a native and citizen of
6 Mexico. He last entered the United States in July 1995 without inspection and without being
7 admitted or paroled. He has continuously resided in the United States since that time and has
8 built his life, family ties, and future prospects in this country.

9 **Family Relationships and Dependents**

10 Mr. Rangel Rodriguez is the father of two United States citizen daughters, Roxanna, age
11 27, and Karla, age 24. He maintains close and meaningful relationships with both daughters. He
12 is also engaged to Rosa, who is a United States citizen. These family relationships reflect Mr.
13 Rangel Rodriguez's strong and longstanding ties to the United States.

14 In addition, Mr. Rangel Rodriguez is the beneficiary of a labor certification filed on
15 April 30, 2001. As a result, he may be eligible to pursue adjustment of status through his United
16 States citizen daughters, further demonstrating that he has a viable pathway to lawful status and
17 a strong incentive to remain available for immigration proceedings.

18 **Circumstances Leading to Detention**

19 Mr. Rangel Rodriguez came to the attention of ICE while he was detained at the Washoe
20 County Jail following an arrest on December 11, 2025, for domestic battery. After the related
21 criminal proceedings concluded, ICE immediately assumed custody of Mr. Rangel Rodriguez
22 on January 21, 2026.

23 **Immigration Proceedings and Current Custody**

24 Mr. Rangel Rodriguez has remained in immigration custody since January 21, 2026, and
25 is currently detained at the Washoe County Jail under the custody and control of the Department
26 of Homeland Security. His continued detention has resulted in prolonged separation from his
27 United States citizen daughters and fiancée, causing significant hardship to his family while his
28 immigration case proceeds.

1 **LEGAL BACKGROUND**

2 **A. Habeas Corpus Under 28 U.S.C. § 2241**

3 The Constitution ensures that the writ of habeas corpus is available to any person detained
4 within the United States. *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const. art. I,
5 § 9, cl. 2). Habeas corpus permits an individual in custody to challenge the lawfulness of that
6 detention, and its traditional purpose is to obtain release from custody that is not legally
7 authorized. *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

8 Federal courts are authorized to grant habeas relief under 28 U.S.C. § 2241(c)(3) where a
9 petitioner establishes that their detention violates the Constitution or federal law. Historically,
10 habeas corpus has been used to review the legality of detention by the Executive Branch, and
11 courts have recognized that its protections are at their strongest in that context. *INS v. St. Cyr*,
12 533 U.S. 289, 301 (2001).

13 Accordingly, district courts have habeas jurisdiction to consider challenges to
14 immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*, 538 U.S.
15 510, 517 (2003).

16 **Right to Liberty and Due Process**

17 The Fifth Amendment of the U.S. Constitution guarantees that “[no] person shall... be
18 deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V.
19 Importantly, the supreme court has clarified that this protection extends to noncitizens, stating:
20 “Once an alien enters the country, the legal circumstances changes, for the Due Process clause
21 applies to all ‘persons’ within the United States. *Zadvydas v. Davis*, 533 U.S. 678, 699–701
22 (2001).

23 Civil immigration detention is meant to serve limited regulatory purposes: ensuring
24 appearance at proceedings and protecting the community. The Supreme Court in *Demore v. Kim*,
25 538 U.S. 510 (2003), emphasized that detention may only last for the “brief period necessary
26 for... removal proceedings” and cannot be punitive.

27 Where detention extends beyond those limited purposes or rests on mere allegations, it
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1 violates due process. As the Court stressed in *Zadvydas*: “freedom from imprisonment – from
2 government custody, detention, or other forms of physical restraint – lies at the heart of the liberty
3 that the Clause protects.” 533 U.S. at 690.

4 **Civil Nature of Immigration Detention**

5 The Supreme Court has repeatedly held that immigration detention is civil, not punitive. In
6 *Bell v. Wolfish*, 441 U.S. 520, 535 (1979), the Court explained: “If a restriction or condition is not
7 reasonably related to a legitimate governmental objective, it amounts to punishment.”

8 **FIRST CAUSE OF ACTION**

9 **I. Procedural Due Process**

10 Under the Due Process Clause of the Fifth Amendment to the United States Constitution,
11 no person shall be “deprived of life, liberty, or property, without due process of law.” U.S. Const.
12 amend. V. That interest is particularly weighty when government detention is at issue. “Freedom
13 from imprisonment—from government custody, detention, or other forms of physical restraint—
14 lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533
15 U.S. 678, 690, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001).

16 These due process rights apply to noncitizens residing in the United States. The Supreme
17 Court has firmly established that “the Due Process Clause applies to all ‘persons’ within the
18 United States, including aliens, whether their presence here is lawful, unlawful, temporary, or
19 permanent.” *Zadvydas*, 533 U.S. at 693; *see also Trump v. J.G.G.*, 604 U.S. 670, 673, 145 S. Ct.
20 1003, 221 L. Ed. 2d 529 (2025) (“It is well established that the Fifth Amendment entitles aliens
21 to due process of law in the context of removal proceedings.” (*citation omitted*)). Indeed, once a
22 noncitizen is present in the United States, they have a “weighty” liberty interest in remaining in
23 the United States, as they stand to lose rights to “stay and live and work” in the country and “to
24 rejoin [their] immediate family.” *Landon v. Plasencia*, 459 U.S. 21, 34, 103 S. Ct. 321, 74 L. Ed.
25 2d 21 (1982) (*citation omitted*). This is true “regardless of how someone entered the country:
26 ‘[O]nce passed through our gates, even illegally,’ noncitizens ‘may be expelled only after
27 proceedings conforming to traditional standards of fairness encompassed in due process of law.’”

1 *Make the Rd.*, 2025 WL 2494908, at 10 (quoting *Shaughnessy v. United States ex rel. Mezei*, 345
2 U.S. 206, 212, 73 S. Ct. 625, 97 L. Ed. 956 (1953)).

3 **a. Mr. Rangel Rodriguez Is Not Subject to Mandatory Detention Under 8**
4 **U.S.C. § 1225.**

5 Respondents contend that Mr. Rangel Rodriguez is subject to mandatory detention under
6 8 U.S.C. § 1225 on the theory that he qualifies as an “applicant for admission” because he
7 entered the United States without inspection. That interpretation is inconsistent with the statutory
8 framework and with controlling and persuasive authority interpreting § 1225.

9
10 Mr. Rangel Rodriguez last entered the United States on July 1995 and has remained
11 continuously present in this country since that time. Mr. Rangel Rodriguez’s detention did not
12 stem from an attempt to enter the United States or from any recent arrival at the border. Rather, it
13 followed his arrest on a state matter more than two decades after his entry into the country.
14 Accordingly, 8 U.S.C. § 1225 does not govern his detention.

15
16 The threshold issue is whether § 1225 applies to all noncitizens who entered without
17 inspection, regardless of the length of time they have lived in the United States, or whether its
18 reach is limited to those who are arriving or have recently arrived. The statute’s ordinary
19 meaning, its structure when read together with § 1226, and the interpretation of Article III
20 courts—including the Supreme Court and the Ninth Circuit—demonstrate that § 1225 has a
21 limited temporal scope and applies only to individuals at or near the point of entry. *Maldonado*
22 *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082, at *11–16 (D. Nev. Sept.
23 17, 2025).

24
25 As the Supreme Court explained in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), § 1225
26 governs detention during the inspection and admission process at the border, while § 1226
27 governs detention of noncitizens who are already present in the United States. Section 1225’s
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1 mandatory detention provisions are part of a statutory scheme that “generally begins at the
2 Nation’s borders and ports of entry,” where the government determines whether a noncitizen
3 seeking entry is admissible. *Id.* at 287, 289. By contrast, § 1226 addresses the “apprehension and
4 detention of aliens” who have already entered the country. 8 U.S.C. § 1226. The Supreme Court
5 has described § 1226(a) as the default detention authority applicable to noncitizens who are
6 “already present in the United States.” *Jennings*, 583 U.S. at 289, 303; *see also Nielsen v. Preap*,
7 586 U.S. 392, 396–97 (2019).

9 Section 1225 applies only to a subset of noncitizens—those who qualify as “applicants
10 for admission.” Courts have consistently held that long-term residents of the United States are
11 not applicants for admission within the meaning of the statute. The Ninth Circuit has emphasized
12 that an “application for admission” occurs at a discrete moment in time, and that extending that
13 concept to cover individuals years or decades after entry would exceed the statutory text. *United*
14 *States v. Gambino-Ruiz*, 91 F.4th 981, 988–89 (9th Cir. 2024) (citing *Torres v. Barr*, 976 F.3d
15 918, 922–26 (9th Cir. 2020) (en banc)).

17 District courts across the country have reached the same conclusion, holding that
18 individuals who have lived in the United States for many years after entering without inspection
19 are not “applicants for admission” subject to § 1225. *See, e.g., Lopez Benitez v. Francis*, 795 F.
20 Supp. 3d 475, 489 (S.D.N.Y. 2025); *Escobar Salgado v. Mattos*, No. 2:25-CV-01872-RFB-EJY,
21 2025 WL 3205356, at *15 (D. Nev. Nov. 17, 2025); *Maldonado Vazquez*, 2025 WL 2676082, at
22 *13; *Rusu v. Noem*, No. 25 C 13819, 2025 WL 3240911, at *5 (N.D. Ill. Nov. 20, 2025);
23 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861, at *9 (C.D. Cal. Nov.
24 20, 2025).

1 Adopting Respondents' interpretation would improperly collapse § 1226 into § 1225 and
2 render large portions of the statutory detention scheme superfluous, including discretionary
3 detention under § 1226(a). Courts have repeatedly rejected constructions that violate the canon
4 against surplusage. *See Hasan v. Crawford*, 800 F. Supp. 3d 641, 656 (E.D. Va. 2025) (*citing*
5 *Corley v. United States*, 556 U.S. 303, 314 (2009)); *see also Lopez Benitez*, 795 F. Supp. 3d at
6 490; *Bautista*, 2025 WL 3289861, at *11; *Rusu*, 2025 WL 3240911, at *5; *Helbrum v. Williams*
7 *Olson*, No. 4:25-CV-00349-SHL-SBJ, 2025 WL 2840273, at *4 (S.D. Iowa Sept. 30, 2025).

9 Respondents' position—that all noncitizens who entered without inspection are
10 indefinitely subject to § 1225 regardless of how long they have lived in the United States—has
11 been overwhelmingly rejected by federal courts as inconsistent with the statutory text. Courts
12 have likewise declined to follow *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025),
13 concluding that it conflicts with the plain language and structure of the INA. *See, e.g.,*
14 *Hernandez-Luna v. Noem*, No. 2:25-CV-01818-GMN-EJY, 2025 WL 3102039, at *4 (D. Nev.
15 Nov. 6, 2025); *Veletanga v. Noem*, No. 25-CV-9211 (NSR), 2025 WL 3751865, at *3 (S.D.N.Y.
16 Dec. 26, 2025); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1261 (W.D. Wash. 2025); *Patel v.*
17 *Almodovar*, No. 25-CV-15345, 2025 WL 3012323, at *3 (D.N.J. Oct. 28, 2025).

19 Because Mr. Rangel Rodriguez has been continuously present in the United States since
20 1995 and was not apprehended at or near the border, he does not fall within the limited class of
21 individuals subject to mandatory detention under § 1225. His detention must therefore be
22 governed, if at all, by § 1226.
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SECOND CAUSE OF ACTION

II. Substantive Due Process

Substantive due process forbids arbitrary or punitive detention. As the Supreme Court has emphasized, “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Due Process Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). In the context of civil immigration proceedings, the government's authority to detain is limited to two legitimate purposes: (1) protecting the public from danger, and (2) ensuring the individual’s appearance at future proceedings. *Demore v. Kim*, 538 U.S. 510, 518–19 (2003). Detention that does not serve either purpose amounts to unconstitutional punishment.

Here, Mr. Rangel Rodriguez was taken into immigration custody following the conclusion of state criminal proceedings, not as a result of any attempt to enter the United States or any recent border encounter. ICE assumed custody of Mr. Rangel Rodriguez on January 21, 2026, after he was held in state custody arising from an arrest on December 11, 2025, for domestic battery. His immigration detention thus stems solely from ICE’s post-custody action, rather than from any border-related enforcement.

The record contains no individualized determination that Mr. Rangel Rodriguez poses a danger to the community or a risk of flight. As the Supreme Court explained in *Bell v. Wolfish*, 441 U.S. 520, 535 (1979), “if a restriction or condition is not reasonably related to a legitimate governmental objective, it amounts to punishment.” Mr. Rangel Rodriguez’s continued detention—absent individualized findings and unsupported by evidence—bears no reasonable relationship to a legitimate governmental purpose and therefore constitutes impermissible and unconstitutional punishment.

a. Application of the *Mathews v. Eldridge* Balancing Test

To determine whether a civil detention violates a detainee's due process rights, courts apply the three-part balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976). The Court must weigh: (1) the private interest that will be affected by the official

1 action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and
2 the probable value, if any, of additional or substitute procedural safeguards; and (3) the United
3 States' interest, including the function involved and the fiscal and administrative burdens that the
4 additional or substitute procedural requirement would entail. *Id.* at 335.

5 ***Private Interest***

6 It is beyond dispute that Mr. Rangel Rodriguez has a compelling and constitutionally
7 protected interest in avoiding continued detention. The right to be free from government-imposed
8 confinement is among the most fundamental of all liberty interests. As the Supreme Court held
9 in *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004), “[l]iberty is the most elemental of liberty
10 interests.” Similarly, in *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), the Court reaffirmed that
11 “[f]reedom from imprisonment—from government custody, detention, or other forms of physical
12 restraint—lies at the heart of the liberty the Due Process Clause protects.”

13 In assessing due process violations, courts may also examine the conditions of confinement
14 to determine whether civil detention is effectively indistinguishable from criminal incarceration.
15 *Martinez v. Noem*, 2025 U.S. Dist. LEXIS 174415, 2025 WL 2598379, at 2 (W.D. Tex. Sep. 8,
16 2025). Mr. Rangel Rodriguez is currently confined at the Washoe County Detention Center under
17 conditions that mirror those of penal detention and is unjustly separated from his children. Such
18 confinement, absent a lawful and individualized justification, is a grave intrusion on his liberty
19 and runs afoul of due process protections.

20 ***Risk of Erroneous Deprivation***

21 The second *Mathews* factor considers “the risk of an erroneous deprivation of [Petitioner’s]
22 interest through the procedures used, and the probable value, if any, of additional or substitute
23 procedural safeguards.” *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). In this case, that risk is
24 substantial.

25 Federal Respondents have failed to provide any evidence that Mr. Rangel Rodriguez poses a
26 danger to the community or is a flight risk. Without such a showing, the likelihood of an
27 unjustified deprivation of his fundamental liberty interest is unacceptably high. The absence of
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1 meaningful procedural safeguards—such as a constitutionally adequate bond hearing—only
2 amplifies the risk of error and underscores the urgent need for judicial intervention.

3 ***Government’s Interest***

4 The third and final *Mathews* factor examines “the Government’s interest, including the
5 function involved and the fiscal and administrative burdens that the additional or substitute
6 procedural requirement would entail.” *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

7 While the government’s interests in protecting the public from dangerous noncitizens and
8 ensuring an individual’s eventual removal are undeniably important, *Rodriguez Diaz*, 53 F.4th
9 1189–90, those interests are fully addressed through an individualized bond determination by an
10 Immigration Judge under § 1226. As the Ninth Circuit has made clear, “the government has no
11 legitimate interest in detaining individuals who have been determined not to be a danger to the
12 community and whose appearance at future immigration proceedings can be reasonably ensured
13 by a lesser bond or alternative conditions.” *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir.
14 2017).

15 Where the government cannot articulate any specific justification for continuing to detain a
16 noncitizen who has already prevailed—or would prevail—at a proper bond hearing, the
17 detention ceases to serve a lawful immigration purpose. As Justice Kennedy warned in *Demore*
18 *v. Kim*, such circumstances raise serious constitutional concerns: “[w]hether the detention is not
19 to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate
20 for other reasons.” *Demore*, 538 U.S. 510, 532–33 (Kennedy, J., concurring).

21 **Conclusion on Causes of Action**

22 Mr. Rangel Rodriguez’s continued detention violates both procedural and substantive due
23 process. Accordingly, the Constitution requires either Petitioner’s immediate release or, at
24 minimum, a custody redetermination hearing that fully complies with due process.

PRAYER FOR RELIEF

WHEREFORE, Mr. Rangel Rodriguez prays that this Court grant the following relief:

(1) Assume jurisdiction over this matter;

(2) Order ICE to immediately release Mr. Rangel Rodriguez from his unlawful detention;

(3) Declare that a hearing may be conducted before a neutral adjudicator to determine whether his continued detention is lawful, based on whether the government can establish, by clear and convincing evidence, that he poses a danger to the community or a risk of flight.;

(4) Award reasonable costs and attorney fees; and

(5) Grant such further relief as the Court deems just and proper.

Dated this 5th day of February 2026

Respectfully submitted,

Karen Monrreal

Karen S. Monrreal, Esq.
Attorney for Mr. Rangel Rodriguez

