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6 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

7
8 **GALO VINICIO SEGURA-TUQUINGA,**

9 Petitioner,

10 v.

11 **THOMAS HOGAN**, Field Office Director of
Enforcement and Removal Operations, Las
12 Vegas Field Office, Immigration and Customs
Enforcement; **Kristi NOEM**, Secretary, U.S.
Department of Homeland Security; **Pamela**
13 **BONDI**, U.S. Attorney General; **John**
MATTOS, Warden of Nevada Southern
14 Detention Center, **Todd Lyons**, Acting Director
of U.S. Immigration and Customs Enforcement;
15 **DEPARTMENT OF JUSTICE**; and
16 **EXECUTIVE OFFICE FOR**
IMMIGRATION REVIEW,

17 Respondents.

Case No. **2:26-cv-283**

**PETITION FOR WRIT OF
HABEAS CORPUS
(28 U.S.C. § 2241)**

1 **INTRODUCTION**

2 1. Petitioner Galo Vinicio Segura-Tuquinga brings this Petition for a Writ of Habeas
3 Corpus under 28 U.S.C. § 2241 challenging his unlawful civil detention by Immigration and
4 Customs Enforcement and challenging his continued detention at the Nevada Southern Detention
5 Center (NSDC).

6 2. Petitioner is detained pursuant to Respondents’ July 2025 reinterpretation of 8
7 U.S.C. § 1225(b)(2)(A), as adopted by the Board of Immigration Appeals (BIA) in *Matter of*
8 *Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), which categorically deprives long-term interior
9 noncitizens who entered without inspection of bond hearings.

10 3. Petitioner was arrested by Immigration and Customs Enforcement (ICE) in
11 December 2025 in Las Vegas, Nevada—far from any border or port of entry—and placed into
12 removal proceedings under 8 U.S.C. § 1229a. DHS alleges he is inadmissible under 8 U.S.C. §
13 1182(a)(6)(A)(i).

14 4. Consistent with the Government’s new policy, DHS denied bond and the Las
15 Vegas Immigration Court concluded it lacked jurisdiction to conduct a bond hearing,
16 notwithstanding the absence of any individualized finding that Petitioner poses a danger or flight
17 risk.

18 5. Federal courts in this District have already rejected Respondents’ interpretation of
19 §1225(b)(2)(A), holding that noncitizens like Petitioner are detained under 8 U.S.C. § 1226(a)
20 and are entitled to individualized bond hearings. It has been dozens of cases at this point. See
21 *Quinonez Orosco v. Lyons* No. 2:25-cv-02240-RFB-EJY, F. Supp. 3d, 2025 WL 3539275, at *1-
22 2, *1 n.1 (D. Nev. Dec. 10, 2025) (collecting cases). Courts have further held that continued
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1 detention without bond violates the Immigration and Nationality Act (INA), its implementing
2 regulations, and the Due Process Clause of the Fifth Amendment.

3 6. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released
4 immediately, or alternatively that Respondents provide an individualized bond hearing
5 under 8 U.S.C. § 1226(a) within seven (7) days.

6 JURISDICTION

7 7. Petitioner is in the physical custody of Respondents and detained at the NSDC in
8 Pahrump, Nevada.

9 8. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. §
10 1331 (federal question), and Article I, Section 9, Clause 2 of the U.S. Constitution (Suspension
11 Clause).

12 9. This Court may grant relief under 28 U.S.C. § 2241, the Declaratory Judgment
13 Act (28 U.S.C. § 2201 et seq.), and the All Writs Act, 28 U.S.C. § 1651.

14 10. The jurisdiction-stripping provisions of 8 U.S.C. § 1252 do not bar review of
15 Petitioner's challenge to the legality of his detention.

16 VENUE

17 11. Venue is proper in this District pursuant to *Braden v. 30th Judicial Circuit Court*
18 *of Kentucky*, 410 U.S. 484, 493- 500 (1973) and under 28 U.S.C. § 2241, 28 U.S.C. § 1391(b),
19 and 28 U.S.C. § 1391(e)(1) because venue lies in the United States District Court for the District
20 of Nevada, the judicial district in which Petitioner currently is detained (Las Vegas).

21 12. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are officers,
22 employees, and agencies of the United States, and a substantial part of the events or omissions
23 giving rise to the claims occurred in this District. *See* 28 U.S.C. § 1391(e).

1 restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). The Ninth Circuit has likewise
2 emphasized that, “The application for the writ usurps the attention and displaces the calendar of
3 the judge or justice who entertains it and receives prompt action.” *Yong v. I.N.S.*, 208 F.3d 1116,
4 1120 (9th Cir. 2000).

5 **PARTIES**

6 19. Petitioner Galo Vinicio Segura-Tuquinga is a citizen of Ecuador, detained at
7 NSDC since December 2025. He was arrested in Las Vegas, Nevada. ICE did not set bond, and
8 Petitioner requested review of custody by an Immigration Judge (IJ). On January 15, 2026, the IJ
9 in Las Vegas denied jurisdiction, holding Petitioner was an “applicant for admission” under
10 *Yajure-Hurtado*. Petitioner has resided in the United States since July 2022.

11 20. Respondent Thomas Hogan is the Field Office Director for the Las Vegas ERO
12 office of ICE. He is Petitioner’s immediate custodian and is sued in his official capacity.

13 21. Respondent Kristi Noem is the Secretary of DHS. She is responsible for
14 implementation of the INA and oversees ICE. She is sued in her official capacity.

15 22. Respondent Pamela Bondi is the Attorney General of the United States and
16 oversees the Department of Justice, including EOIR. She is sued in her official capacity.

17 23. Respondent Todd Lyons, Acting Director of U.S. Immigration and Customs
18 Enforcement and is responsible for nationwide ICE detention policies. He is sued in his official
19 capacity.


20 24. Respondent Executive Office for Immigration Review (EOIR) is the agency
21 responsible for removal proceedings and custody redeterminations.

22 25. Respondent Department of Justice is the federal agency responsible for
23 immigration adjudication through EOIR.

1 26. Respondent John Mattos is the Warden of Nevada Southern Detention Center and
2 has immediate physical custody of Petitioner. He is sued in his official capacity.

3 **STATEMENT OF FACTS**

4 27. Petitioner entered the United States without inspection in July 2022 and has since
5 resided continuously in Las Vegas, Nevada, where he has established substantial family and
6 community ties. See Attorney Flores Declaration (Ex. F).

7 28. Petitioner is married to United States citizen (USC) Heather Christine Segura
8 born on  See I-130 Application (Ex. C).

9 29. His USC spouse has filed a Form I-130, Petition for Alien Relative, on his behalf,
10 which has been accepted and is currently pending adjudication with U.S. Citizenship and
11 Immigration Services (USCIS). See I-130 Receipt Notice (Ex. B) and I-130 Application (Ex. C).

12 30. Petitioner is the biological father of a USC child and is also the stepfather to
13 additional USC children through his marriage. *Id.*

14 31. Petitioner resides with and supports his spouse and children, who depend on him
15 emotionally and financially. (Ex. F).

16 32. In December 2025, ICE arrested Petitioner in the interior of the United States in
17 Las Vegas, Nevada—far from any border or port of entry.

18 33. Following his arrest, the DHS placed Petitioner into removal proceedings under 8
19 U.S.C. § 1229a and charged him as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i). See Notice
20 to Appear (Ex. D).

21 34. Petitioner requested a custody redetermination hearing before the Las Vegas
22 Immigration Court and submitted a motion for bond supported by evidence of his family ties,
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1 pending I-130 petition, no criminal convictions, and absence of any danger to the community or
2 flight risk. See Motion for Bond Redetermination (Ex. E).

3 35. On January 15, 2026, an Immigration Judge denied bond for lack of jurisdiction,
4 citing *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), and concluding that Petitioner
5 was subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). See IJ Order Denying Bond
6 (Ex. A).

7 36. The Immigration Judge's denial was compelled solely by binding agency
8 precedent and not by any individualized finding that Petitioner is dangerous, poses a risk to
9 national security, or presents a risk of flight. *Id.* To the contrary, Petitioner's family ties,
10 pending immigration petition, no criminal convictions, and stable residence all weigh strongly in
11 favor of release.

12 LEGAL FRAMEWORK

13 37. The INA establishes three detention frameworks: (a) discretionary detention with
14 bond under § 1226(a); (b) mandatory detention for certain arriving or recent entrants under §
15 1225(b); and (c) post-order detention under § 1231.

16 38. For decades following IIRIRA, DHS and EOIR consistently treated noncitizens
17 who entered without inspection and were arrested in the interior as detained under § 1226(a),
18 entitled to bond hearings.

19 39. In July 2025, DHS abruptly reinterpreted § 1225(b)(2)(A) to mandate detention of
20 all noncitizens who entered without inspection, regardless of time or place of arrest.

21 40. The government's refusal to grant Petitioner a bond hearing stems from a recent
22 policy shift initiated by DHS and EOIR in 2025. Under this policy, individuals who entered the
23 United States without inspection—regardless of when or where they entered—are now classified
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1 as "applicants for admission" and are deemed subject to mandatory detention under 8 U.S.C. §
2 1225(b)(2)(A).

3 41. The BIA adopted this reinterpretation in *Matter of Yajure-Hurtado*, 29 I&N Dec.
4 216 (BIA 2025), holding that IJs no longer have jurisdiction to conduct bond redetermination
5 hearings for individuals arrested in the interior of the United States who entered without
6 inspection. Immigration courts, including the Las Vegas Immigration Court, have followed this
7 directive, resulting in categorical denials of bond requests like Petitioner's.

8 42. Courts across the country, including courts within the district of NV have been
9 granting preliminary injunctions in similar cases. Dozens of petitions have come before the Court
10 in Nevada, and all have been granted based upon similar findings to *Escobar Salgado v. Mattos*,
11 where the District Court rejected the legal foundation of this policy, finding that the
12 government's reinterpretation of § 1225(b)(2)(A) conflicted with both the plain text of the INA
13 and decades of consistent regulatory practice. The District Court observed:

14 "The government's new policy—asserting that all individuals who entered without
15 inspection are detained under § 1225(b)(2)(A)—ignores the statutory structure,
16 longstanding regulations, and historical practice under the INA... These individuals,
17 including Petitioners here, have been residing in the U.S. for years and were apprehended
18 far from the border. They are not 'arriving aliens' and are properly subject to custody
19 under § 1226(a)."

20 (*Escobar Salgado v. Mattos*, No. 2:25-cv-01872-RFB-EJY, Order at 5–6 (D. Nev. Nov. 17,
21 2025))

1 43. The court further emphasized that IJs are bound by agency precedent, not Article
2 III decisions, and therefore cannot provide relief—highlighting the need for federal habeas
3 intervention:

4 “Immigration judges and the BIA are administrative bodies. They are bound to follow the
5 policy in *Yajure-Hurtado*, even where federal courts have declared it unlawful. The
6 practical consequence is that class members—despite federal court rulings—are denied
7 jurisdictional review at the agency level. Federal district courts are the only forum
8 available to vindicate their statutory and constitutional rights.”

9 (*Id. at 8–9*)

10 44. In Segura’s case, this policy played out precisely as described. On January 15,
11 2026, the Las Vegas IJ issued a written order explicitly refusing jurisdiction, stating that
12 Petitioner was subject to mandatory detention under § 1225(b)(2)(A) and that the IJ lacked
13 authority to conduct a bond hearing. The IJ acknowledged that federal courts, including those in
14 Nevada, had reached a different conclusion, but cited the EOIR’s binding policy under *Yajure-*
15 *Hurtado*.

16 45. Because agency adjudicators are functionally barred from departing from
17 *Yajure-Hurtado*, Petitioner has no administrative remedy. As Judge Boulware observed, this
18 makes exhaustion futile and squarely places the responsibility on federal courts to intervene.

19 46. The District of Nevada has consistently held—through *Escobar Salgado* and
20 subsequent orders in *Gonzalez Hernandez*, *Jacobo Ramirez*, and others—that individuals like
21 Petitioner are detained under § 1226(a) and are entitled to individualized bond determinations.
22 Respondents’ continued application of *Yajure-Hurtado* violates the Immigration and Nationality
23 Act and the constitutional principles of due process.

1 **CLAIMS FOR RELIEF**

2 **COUNT I**

3 **Violation of the INA**

4 47. Petitioner repeats and incorporates all prior paragraphs.

5 48. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
6 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
7 relevant here, it does not apply to those who previously entered the country and have been
8 residing in the United States prior to being apprehended and placed in removal proceedings by
9 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to
10 § 1225(b)(1), § 1226(c), or § 1231.

11 49. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
12 detention and violates the INA.

13 **COUNT II**

14 **Violation of Due Process**

15 50. Petitioner repeats, re-alleges, and incorporates by reference each and every
16 allegation in the preceding paragraphs as if fully set forth herein.

17 51. The government may not deprive a person of life, liberty, or property without due
18 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government
19 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the
20 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653
21 (2001).

22 52. Petitioner has a fundamental interest in liberty and being free from official
23 restraint.

1 53. Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2)(A) based solely on the
2 allegation that he entered without inspection.

3 54. The government's detention of Petitioner without a bond redetermination hearing
4 to determine whether he is a flight risk or danger to others violates his right to due process.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 7 A. Assume jurisdiction over this matter;
- 8 B. Issue a writ of habeas corpus requiring that within one day, Respondents release
9 Petitioner;
- 10 C. Alternatively, issue a writ of habeas corpus requiring that an Immigration Judge
11 schedule a bond hearing within seven (7) days, or in the alternative, order
12 Petitioner's immediate release from detention;
- 13 D. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
14 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
15 law;
- 16 E. Grant any other and further relief that this Court deems just and proper.

17 DATED this 5th of February, 2026.

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EXHIBIT	DESCRIPTION
A	IJ Order Denying Bond – The IJ found the Immigration Court lacks jurisdiction to consider the respondent's motion to consider his request for bond.
B	I-130 Receipt Notice – USCIS notice dated June 30, 2024 with priority date July 25, 2024 and Receipt Number [REDACTED] listing Galo Segura Tuquinga as the beneficiary and USC spouse Heather C. Segura as the petitioner.
C	I-130 Application – The application includes Form G-28, Form I-130, Form 1-130A, Two passport-style photos of Petitioner, Two passport-style photos for Galo, check in the amount of \$675.00 for filing fee for Form I-130, Heather's U.S. Birth Certificate, Heather's Nevada Identification Card, Heather's Social Security Card, Galo's Ecuadorean Birth Certificate with translation, Galo's Ecuadorean Passport Biographic Page, Galo's Nevada Driver Authorization Card, Galo's Employment Authorization Document, Galo's Social Security Card, Marriage Certificate, Wedding Photographs, Family Photographs, Joint Tenant Rental Agreement, and Joint Financial Docs.
D	Notice to Appear – Dated July 26, 2022 naming Galo and alleging he is not a citizen of USA, native of Ecuador, entered the U.S. on July 12, 2022, and entered without a valid entry document. Charges him as removable pursuant to 212(a)(6)(A)(i) of the INA present in the U.S. without being admitted or paroled and 212(a)(7)(i)(I) not in possession of a valid unexpired immigrant visa.
E	Motion for Bond Redetermination Hearing – Motion for bond included evidence of his pending I-130 application, USC spouse, USC child, USC stepchildren, fixed address, valid work authorization card, and letters of support.
F	Attorney Flores Declaration – Explaining telephonic conversations with Mr. Segura via attorney-client scheduled meetings over the phone.