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Attorney For Petitioner

5  
6 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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8 PLACIDO MIRANDA LEMUS,  
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Petitioner,

Case No.

v.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

Jason Knight, Acting Field Office Director of  
Enforcement and Removal Operations, Salt  
Lake City/Las Vegas Field Office, Immigration  
and Customs Enforcement; Kristi NOEM,  
Secretary, U.S. Department of Homeland  
Security; U.S. DEPARTMENT OF  
HOMELAND SECURITY; Pamela BONDI,  
U.S. Attorney General; EXECUTIVE OFFICE  
FOR IMMIGRATION REVIEW; John Mattos,  
Warden of Southern Nevada Corrections  
Center],

Respondents.

**INTRODUCTION**

1  
2 1. Petitioner Placido Miranda Lemus, by and through attorney Gary S. Fink, Esq.  
3 submits this Petition for Writ of Habeas Corpus against the above-named Respondents for unlawful  
4 detention. Petitioner's immigration case number is [REDACTED].

5 2. Petitioner is a native and citizen of Mexico. He entered the United States on or  
6 around 1994.

7 3. On or about January 19, 2026, the Petitioner was arrested, taken into immigration  
8 custody and transferred to the Southern Nevada Detention Center.

9 4. In Form I-213 filed in Immigration Court, DHS alleges the following: That on  
10 January 19, 2026 ICE officers conducted a targeted immigration enforcement action. The targeted  
11 individual is alleged to be a person named Juan Carlos Garcia-Nanez residing at [REDACTED]  
12 [REDACTED] Las Vegas, Nevada 89122. ICE officers had an administrative warrant for the arrest of  
13 the individual. At some point ICE officers observed a blue Chevy pickup truck owned by the  
14 Petitioner. The Petitioner was traveling East on Tropicana when ICE officers began following the  
15 Petitioner. Eventually they activated their emergency lights and sirens and pulled over the  
16 Petitioner at [REDACTED] Las Vegas, Nevada 89122 where he was arrested and taken into  
17 custody. A copy of the Form I-213 is attached hereto as Exhibit A.

18 5. On February 4, 2026, a bond hearing was held before the Honorable Immigration  
19 Judge Daniel Daugherty sitting in Las Vegas, Nevada Immigration Court. Judge Daugherty denied  
20 the bond request based on lack of jurisdiction. In his Order he states that if he had jurisdiction, he  
21 would find that Petitioner is not a danger to the community nor a flight risk and would grant bond.  
22 A copy of the Order of the Immigration Judge is attached hereto as Exhibit B. As of the filing of  
23 this petition, the Petitioner has set a detained Master Calendar Hearing set for February 20, 2026,  
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1 at 8:00 a.m., while the Petitioner remains in custody and in limbo. A copy of the EOIR Case  
2 Information Sheet dated February 5, 2026, is attached hereto as Exhibit C.

3 6. Petitioner is in physical custody of Respondents at the Southern Nevada Detention  
4 Center. He now faces unlawful detention because the Department of Homeland Security (DHS)  
5 and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory  
6 judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

7 7. On November 20, 2025, the district court granted partial summary judgment on  
8 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and  
9 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-  
10 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025)  
11 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v.*  
12 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D.  
13 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible  
14 Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion  
15 for Partial Summary Judgment).

16 8. The declaratory judgment held that the Bond Denial Class members are detained  
17 under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under §  
18 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

19 9. Nonetheless, the Executive Office for Immigration Review and its subagency the  
20 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to  
21 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the  
22 opportunity to be released on bond.

23 10. Petitioner Placido Miranda Lemus is a member of the Bond Eligible Class, as he:  
24

- a. does not have lawful status in the United States and is currently detained at the Southern Nevada Detention Center. He was apprehended by immigration authorities on January 19, 2026.
- b. entered the United States without inspection over three years ago and was not apprehended upon arrival, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

11. After apprehending Petitioner on January 19, 2026, the DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

12. The Court should expeditiously grant this petition.

13. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

14. Immigration judges have informed class members in bond hearings that they have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

15. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

16. Alternatively, the Court should order Petitioner’s release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

### JURISDICTION

17. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Southern Nevada Detention Center, Pahrump, Nevada.

1 18. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C.  
2 § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the  
3 Suspension Clause).

4 19. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment  
5 Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

#### 6 VENUE

7 20. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
8 500 (1973), venue lies in the United States District Court for the District of Nevada, the judicial  
9 district in which Petitioner currently is detained.

10 21. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
11 Respondents are employees, officers, and agencies of the United States, and because a substantial  
12 part of the events or omissions giving rise to the claims occurred in the District of Nevada.

#### 13 REQUIREMENTS OF 28 U.S.C. § 2243

14 22. The Court should grant the petition for writ of habeas corpus “forthwith,” as the  
15 legal issues have already been resolved for class members in *Maldonado Bautista*.

16 23. Habeas corpus is “perhaps the most important writ known to the constitutional  
17 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
18 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the  
19 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and  
20 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
21 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

22 . . .

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**PARTIES**

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2           24.     Petitioner Placido Miranda Lemus is a citizen of Mexico who has been in  
3 immigration detention since January 19, 2026. After Petitioner was arrested in Las Vegas, Nevada,  
4 ICE did not set bond, and Petitioner requested review of his custody by an IJ. On February 4, 2026,  
5 Petitioner was denied bond by an IJ at the Las Vegas Immigration Court because he was deemed  
6 an “applicant for admission.” Petitioner has resided in the United States since 1994.

7           25.     Respondent Jason Knight is the Acting Director of the Salt Lake City/Las Vegas  
8 Field Office of ICE’s Enforcement and Removal Operations division. As such, Jason Knight is  
9 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is  
10 named in his official capacity.

11           26.     Respondent Kristi Noem is the Secretary of the Department of Homeland Security.  
12 She is responsible for the implementation and enforcement of the Immigration and Nationality Act  
13 (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate  
14 custodial authority over Petitioner and is sued in her official capacity.

15           27.     Respondent Department of Homeland Security (DHS) is the federal agency  
16 responsible for implementing and enforcing the INA, including the detention and removal of  
17 noncitizens.

18           28.     Respondent Pamela Bondi is the Attorney General of the United States. She is  
19 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
20 and the immigration court system it operates is a component agency. She is sued in her official  
21 capacity.

1 29. Respondent Executive Office for Immigration Review (EOIR) is the federal agency  
2 responsible for implementing and enforcing the INA in removal proceedings, including for custody  
3 redeterminations in bond hearings.

4 30. Respondent John Mattos is employed by CoreCivic as Warden of the Southern  
5 Nevada Detention Center, where Petitioner is detained. He has immediate physical custody of  
6 Petitioner. He is sued in his official capacity.

### 7 **CLAIMS FOR RELIEF**

#### 8 **1. Violation of the INA:**

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

11 32. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for  
12 release on bond under 8 U.S.C. § 1226(a).

13 33. The order granting partial summary judgment in *Maldonado Bautista* holds that  
14 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class  
15 members.

16 34. The order granting class certification in *Maldonado Bautista* further orders that  
17 “[w]hen considering this determination with the MSJ Order, the Court extends the same  
18 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

19 35. Respondents are parties to *Maldonado Bautista* and bound by the Court’s  
20 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.  
21 § 2201(a).

22 36. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is  
23 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory  
24 rights under the INA and the Court’s judgment in *Maldonado Bautista*.

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## 2. Violation of Petitioner's Due Process Rights

37. DHS' continued detention of Petitioner violates his Due Process rights. Petitioner contends that such detention facially violates substantive due process because it is not authorized by statute and provides the jailer with unfettered authority which implicates the fundamental right to be free from detention. Such action is also not narrowly tailored to meet the compelling government interest of protecting public safety. In fact, the Immigration Judge (IJ), who declined to grant bond based on jurisdictional grounds, specifically stated in her order that the Petitioner is not a threat to public safety.

38. The Constitution guarantees every person in the United States due process of law, including persons who are not United States citizens. *E.g., Lopez v. Heinauer*, 332 F.3d 507, 512 (8th Cir. 2003) ("The Supreme Court has long recognized that deportable aliens are entitled to constitutional protections of due process." (citing *Yamataya v. Fisher*, 189 U.S. 86, 100-01, 23 S.Ct. 611, 47 L.Ed. 721 (1903))); *see also, e.g., Zadvydas v. Davis*, 533 U.S. 678,695, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001) ("[T]he Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.").

39. To determine whether a civil detention violates a detainee's due process rights, courts apply a three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976). *See Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022)(collecting cases and noting that, "when considering due process challenges to [discretionary noncitizen detention] other circuits ... have applied the Mathews test"). Under Mathews, courts weigh the following three factors: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews*, 424 U.S. at 335, 96 S.Ct. 893. The

1 private interest in this case is significant, being free from physical detention. The Supreme Court  
2 has found this to be "the most elemental of liberty interests." *Hamdi v. Runsfeld*, 542 U.S. 507 at  
3 529, 531, 124 S.Ct. 2633 (directing courts, when assessing the first *Mathews* factor, to consider  
4 only the petitioner's interests at stake in ongoing detention without consideration of the  
5 respondents' justifications for the detention (quotation omitted)); *see also Zadvydas v. Davis*, 533  
6 U.S. 678, 690 (advising that an individual's interest in being free from detention "lies at the heart  
7 of the liberty that [the Due Process] Clause protects").

8 40. Petitioner is being held at the Southern Nevada Detention Center and experiencing  
9 the loss of contact with family and friends, loss of income and inability to provide for their families,  
10 lack of privacy and lack of freedom. The second *Mathews* factor is whether the challenged  
11 procedure creates a risk of erroneous deprivation of individual rights and whether there are  
12 alternative procedures that could ameliorate these risks. In this case, the IJ has determined a bond  
13 of \$2000.00 would be appropriate if the IJ had jurisdiction over the matter. Finally, the third prong  
14 of the test, "the Government's interest, including the function involved and the fiscal and  
15 administrative burdens that the additional or substitute procedural requirement would entail, weigh  
16 heavily in favor of release from detention. The IJ specifically determined in his order that the  
17 Petitioner was not a danger to the community nor was he a flight risk. To keep the Petitioner  
18 detained serves no legitimate government interest and imposes additional and unnecessary fiscal  
19 and administrative burdens on the government. IJ's, when granting bond, commonly order  
20 "Alternatives To Detention" (ADT). These alternatives can include placement of an ankle monitor  
21 and regular check-ins with ICE. This remedy for this Petitioner provides him with the liberty he is  
22 guaranteed while ensuring compliance with future immigration requirements.  
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**PRAYER FOR RELIEF**

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

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents release Petitioner pursuant to the requirements identified by the IJ in his Order;
- d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

DATED 6th of February, 2026.

/s/ Gary Fink, Esq.  
*Attorneys for Petitioner*

1 Exhibit List

2 Exhibit A: Form I-213

3 Exhibit B: Immigration Judge Order

4 Exhibit C: EOIR Case Information Sheet dated February 5, 2026

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# **EXHIBIT A**

U.S. Department of Homeland Security

Subject ID : XXXXXXXXXX

Record of Deportable/Inadmissible Alien

Family Name (CAPS) <b>MIRANDA LEMUS, PLACIDO</b>		First	Middle	Sex <b>M</b>	Hair <b>BLK</b>	Eyes <b>BRO</b>	Cuplcn <b>LBR</b>
Country of Citizenship <b>MEXICO</b>	Passport Number and Country of Issue	File Number <span style="background-color: black; color: black;">XXXXXXXXXX</span>		Height <b>67</b>	Weight <b>165</b>	Occupation <b>LANDSCAPING</b>	
U.S. Address <b>2190 E MESQUITE AVE PAHRUMP, NEVADA, 89060, UNITED STATES</b>				Scars and Marks <b>None Indicated - NONE</b>			
Date, Place, Time, and Manner of Last Entry <b>Unknown Date Unknown Time, UNK,</b>			Passenger Boarded at	F.B.I. Number <span style="background-color: black; color: black;">XXXXXXXXXX</span>			
Number, Street, City, Province (State) and Country of Permanent Residence <b>MEXICO</b>				<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Birth <span style="background-color: black; color: black;">XXXXXXXXXX</span>	Age: <b>55</b>	Date of Action <b>01/19/2026</b>	Location Code <b>LVG/SLC</b>	Method of Location/Apprehension <b>NCA</b>			
City, Province (State) and Country of Birth <b>GUERRERO, MEXICO</b>		AR <input checked="" type="checkbox"/>	Form: (Type and No.) Lified <input type="checkbox"/> Not Lified <input type="checkbox"/>	AI/Neur <b>See I-831</b>		Date/Hour <b>01/19/2026 09:49</b>	
NIV Issuing Post and NIV Number		Social Security Account Name		By <b>B 12550 GROVESJL11683 LOPEZ</b>			
Date Visa Issued		Social Security Number		Status at Entry		Status When Found	
Immigration Record <b>NEGATIVE</b>				Criminal Record <b>See Narrative</b>			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) <b>SALAS, MARIA NATIONALITY: MEXICO ADDRESS: 5521 Gold Mint Ln Las Vegas, NEVADA, 89122, UNITED STATES</b>				Number and Nationality of Minor Children <b>None</b>			
Father's Name, Nationality, and Address, if Known <b>MIRANDA, MARGARITO NATIONALITY: MEXICO</b>		Mother's Present and Maiden Names, Nationality, and Address, if Known <b>LEMUS, PAULINA NATIONALITY: MEXICO</b>					
Monies Due/Property in U.S. Not in Immediate Possession <b>None Claimed</b>		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks <b>See Narrative</b>	Charge Code Word(s) <b>See Narrative</b>			
Name and Address of (Last)(Current) U.S. Employer <b>See Narrative</b>		Type of Employment <b>Employee</b>	Salary	Employed from/to <b>01/01/2021</b>			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) <b>FIN: <span style="background-color: black; color: black;">XXXXXXXXXX</span> Left Index fingerprint Right Index fingerprint</b>							
							
<b>FAMILY INFORMATION</b>							
Father: MIRANDA, MARGARITO is a citizen of MEXICO. Mother: LEMUS, PAULINA is a citizen of MEXICO. Spouse: SALAS, MARIA is a citizen of MEXICO, , their immigration status is Inadmissible Alien. Daughter: <span style="background-color: black; color: black;">XXXXXXXXXX</span> is a citizen of UNITED STATES. Son: <span style="background-color: black; color: black;">XXXXXXXXXX</span> is a citizen of UNITED STATES.							
<b>SUBJECT HEALTH STATUS</b>							
... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				<b>B 12550 GROVES</b> <b>Deportation Officer</b> _____ (Signature and Title of Immigration Officer)			
Distribution: <b>A FILE</b>				Received: (Subject and Documents) (Report of Interview)			
				Officer: <b>B 12550 GROVES</b>			
				on: <b>January 19, 2026</b> (time)			
				Disposition: <b>Warrant of Arrest/Notice to Appear</b>			
				Examining Officer: <b>BARBOSA, S 9115</b>			

EOIR - 1 OF 4

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name MIRANDA LEMUS, PLACIDO	File Number [REDACTED] Event No: [REDACTED]	Date 01/19/2026
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The subject claims good health.

CURRENT ADMINISTRATIVE CHARGES

01/19/2026 - 212a6A1 - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs) 01/19/2026 - 212a7A11 - IMMIGRANT WITHOUT AN IMMIGRANT VISA

RECORDS CHECKED

NCIC checked on 01/19/2026 with Positive result.

NAME AND ADDRESS OF US EMPLOYER

LINCOLNS, 5521 GOLD MINT LN LAS VEGAS, NEVADA, 89122, UNITED STATES

FUNDS IN POSSESSION

United States Dollar 240.00

ARRESTED AT/NEAR

5681 BOULDER HWY, LAS VEGAS, NEVADA, [REDACTED], UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

ENCOUNTER DATA:

On January 19, 2026, ICE officers conducted a targeted immigration enforcement in compliance with federal law and agency policy. The targeted individual was GARCIA-NANEZ, Juan Carlos (A# [REDACTED], FBI# [REDACTED]), who was residing at 5100 E. Tropicana Ave. Apt. 19F, Las Vegas, NV 89122. ICE officers had an administrative warrant of arrest for GARCIA-NANEZ. A Field Operations Worksheet (FOW) was created and I-200 signed. Officers were wearing full vests with "POLICE" and "FEDERAL AGENT" insignias and "ICE" badges in plain view.

ARREST:

On January 19, 2026, ICE officers conducted surveillance at the target's address. At approximately 0815 hours, officers ran Nevada license plate PDC547 (rear plate) and Nevada license plate 575VTK (front plate) on a blue in color Chevrolet 2 door pickup truck. The registered owner of the vehicle was determined to be MIRANDA LEMUS, Placido, DOB: [REDACTED], a Mexican citizen that entered without inspection by an immigration officer. Officers saw the blue in color Chevrolet pickup truck drive away, going east on Tropicana Ave. ICE officers followed and activated their emergency lights and sirens. The blue Chevrolet pickup truck pulled over at 5681 Boulder Hwy. Las Vegas, NV 89122. Officers approached the vehicle making contact with the driver. The driver verbally confirmed his name and DOB as MIRANDA LEMUS, Placido, DOB: [REDACTED], confirming the driver is the registered owner of the vehicle. The driver produced a Nevada Driver Authorization Identification card bearing his name and DOB. ICE officers asked MIRANDA LEMUS if he had any legal authorization to work or reside in the United States. MIRANDA LEMUS stated he did not have any authorization to either work or reside in the United States. MIRANDA LEMUS was arrested without incident and transported to the local ICE office for processing.

Upon arrival at the ICE office, MIRANDA LEMUS's fingerprints were electronically submitted and compared with records archived by the Department of Homeland Security and the Federal

Signature B 12550 GROVES	Title Deportation Officer
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EOIR - 2 of 4

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name MIRANDA LEMUS, PLACIDO	File Number [REDACTED] Event No: [REDACTED]	Date 01/19/2026
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Bureau of Investigation. Fingerprint records indicated the subject was in fact MIRANDA LEMUS, Placido, a citizen and national of Mexico.

ENTRY DATA:

MIRANDA LEMUS entered the United States without inspection by U.S. Immigration authorities at or near unknown location, on or about unknown date. This location was not designated as a port of entry by the Attorney General or the Secretary of the Department of Homeland Security.

IMMIGRATION HISTORY:

On or about an unknown date and an unknown location, CECENA-VERDUGO illegally entered the United States without inspection, admission or parole by an immigration officer.

On January 19, 2026, ICE/ERO Salt Lake City - Las Vegas arrested MIRANDA LEMUS and issued a Notice to Appear, Form I-862, placing him in immigration removal proceedings with a future court date of February 20, 2026.

CRIMINAL HISTORY:

On November 02, 1998, North Las Vegas Police Department (NLVPD) arrested MIRANDA LEMUS for the offense of driving under the influence of alcohol, a misdemeanor in violation of NRS 484.379. Disposition unknown

On August 08, 2000, NLVPD arrested MIRANDA LEMUS for the offense of contempt of court, a misdemeanor in violation of NRS 022.010. Disposition unknown.

TECS SQ-11/NN-13 records checks for outstanding wants and warrants were negative.

BASIS FOR ICE CHARGES

MIRANDA LEMUS makes no claim to USC or LPR status and is amenable to removal under 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General and is amenable to removal under 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

DISPOSITION:

MIRANDA LEMUS was advised of his right to speak to a consulate officer from Mexico.

MIRANDA LEMUS was provided a list of free legal services.

MIRANDA LEMUS was provided a copy of the On-line Detainee Locator System privacy notice.

MIRANDA LEMUS will be held in ICE custody pending his immigration hearing with the EOIR.

MIRANDA LEMUS has filed no additional applications with USCIS.

Signature B 12550 GROVES	Title Deportation Officer
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EOIR - 3

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name MIRANDA LEMUS, PLACIDO	File Number [REDACTED] Event No: [REDACTED]	Date 01/19/2026
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MIRANDA LEMUS claims he did not attend/graduate high school in the United States.

MIRANDA LEMUS claims he did not receive a G.E.D. or equivalent.

MIRANDA LEMUS claims he did not serve in the United States military.

MIRANDA LEMUS claims to have 2 children, both USC.

MIRANDA LEMUS claims to be married.

MIRANDA LEMUS claims to be in good health and states he is not currently under the care of a physician but is currently taking medications for diabetes and high blood pressure. He does not know the name of the medications.

MIRANDA LEMUS was offered a free phone call during processing.

OTHER IDENTIFYING NUMBERS

ALIEN- [REDACTED]  
Driver's License (State and Country) - [REDACTED] (UNITED STATES)  
..COMMENT: NEVADA  
State Criminal Number/State Bureau Number - [REDACTED] (UNITED STATES)

Signature B 12550 GROVES	Title Deportation Officer
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# **EXHIBIT B**



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
LAS VEGAS IMMIGRATION COURT

Respondent Name:

MIRANDA LEMUS, PLACIDO

To:

Fink , Gary S  
3365 Pepper Lane  
Suite 102  
Las Vegas, NV 89120

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

02/04/2026

**ORDER OF THE IMMIGRATION JUDGE**

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

No Jurisdiction. 30 years in the USA - two USC children.

Immigration Judges only have the authority to consider matters that are delegated to them by the Attorney General and the Immigration and Nationality Act. Matter of A-W-, 25 I&N Dec. 45, 46 (BIA 2009), citing 8 CFR § 1003.10(b).

The DHS argues that the Court lacks jurisdiction to grant a bond in this matter. This Court recognizes that litigation surrounding bond eligibility has been ongoing since the BIA's decision in Matter of Yajure Hurtado largely stripped immigration courts of the ability to grant bonds. Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025). The Court acknowledges the orders in Maldonado Bautista v. Santacruz et al., 2025 WL 3288403 (Nov. 25, 2025) and 2025 WL 3713987 (Dec. 18, 2025).

This court finds that Maldonado Bautista is not a nationwide injunction and does not purport to vacate, stay, or enjoin Yajure Hurtado. Therefore, Yajure Hurtado remains binding precedent on EOIR adjudicators. For clarification, declaratory judgments differ from injunctions in that the former clarifies parties' legal rights and relationships without ordering specific action, while the latter is a court order compelling a party to do or stop doing a specific act. A declaratory judgment is not an equitable remedy and does not, by itself, have the effect of compelling a specific action by a party.

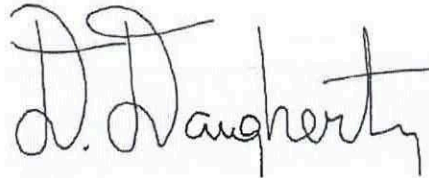
Pursuant to the BIA ruling, immigration courts no longer have the authority to issue bonds to any individual falling under Matter of Yajure Hurtado (namely any individual who has not been admitted to the United States). Because this court lacks the delegated authority to consider bond for individuals who have not been admitted to the United States, this Court must find that the respondent is not eligible for release on bond.

The Court notes that the respondent has not sought, nor been granted,

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individualized relief from the District Court. Should any reviewing Court determine that this Court has jurisdiction, the Court makes the alternative finding that he is not a danger to the community, nor a flight risk and the court would have set bond in the amount of \$2500 with alternatives to detention.

- Granted. It is ordered that Respondent be:
- released from custody on his own recognizance.
  - released from custody under bond of \$
  - other:

Other:



Immigration Judge: D. DAUGHERTY 02/04/2026


Appeal: Department of Homeland Security:  waived  reserved  
Respondent:  waived  reserved  
Appeal Due: 03/06/2026

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Respondent Name : MIRANDA LEMUS, PLACIDO | A-Number : 

Riders:

Date: 02/04/2026 By: Kraay, Megan, Court Staff

# **EXHIBIT C**

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# Automated Case Information

**Name: MIRANDA LEMUS, PLACIDO | A-Number: [REDACTED]**  
**| Docket Date: 1/20/2026**

### Next Hearing Information

Your upcoming **MASTER** hearing is on **February 20, 2026** at **8:00 AM**.

**JUDGE**

Daugherty, Daniel J.

**COURT ADDRESS**

110 N. CITY PARKWAY, STE. 400  
LAS VEGAS, NV 89106

 **Court Decision and Motion Information**



*This case is pending.*

 **BIA Case Information**

No appeal was received for this case.

 **Court Contact Information**

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

**COURT ADDRESS**

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LAS VEGAS, NV 89106

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