

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

In re Alejandro Pueblas Rojas

No. 2:25-cv-02548-RFB-BNW (D. Nev. Jan. 16, 2026) · No. 2:25-cv-02548-RFB-BNW · Decided January 16, 2026

SUMMARY

The United States District Court for the District of Nevada granted Alejandro Pueblas Rojas’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that his detention under the government’s interpretation of 8 U.S.C. § 1225(b)(2)(A) was unlawful and violated procedural and substantive due process. The court ordered his release subject to bond conditions and enjoined respondents from denying release based on mandatory detention under that provision.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Richard F. Boulware II
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 16, 2026
DOCKET	2:25-cv-02548-RFB-BNW
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention without an opportunity for release on bond. The district court granted the petition, ordered his immediate release subject to bond conditions, and enjoined the respondents from treating him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).
STANDARD OF REVIEW	The court reviewed the legality of petitioner’s custody under 28 U.S.C. § 2241 and determined whether the detention violated federal law or the Constitution. The procedural due process claim was analyzed under the three-factor test of Mathews v. Eldridge.
PRECEDENTIAL VALUE	unpublished
PARTIES	Alejandro Pueblas Rojas v. Federal Respondents, John Mattos

TOPICS

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PRACTICE AREAS

immigration

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QUESTIONS PRESENTED

1. Whether the district court had habeas jurisdiction under 28 U.S.C. § 2241 to review petitioner's immigration detention notwithstanding the jurisdiction-stripping provisions of 8 U.S.C. § 1252.
2. Whether the government's interpretation of 8 U.S.C. § 1225(b)(2)(A) required mandatory detention without a bond hearing for petitioner, who entered the United States without inspection but was arrested away from a port of entry.
3. Whether petitioner's detention without an opportunity for release on bond violated the procedural due process protections of the Fifth Amendment.
4. Whether petitioner's detention without an individualized justification violated substantive due process.
5. What relief was appropriate under 28 U.S.C. §§ 2241 and 2243.

HOLDINGS

1. The district court had jurisdiction under 28 U.S.C. § 2241 to review petitioner's challenge to the lawfulness of his immigration detention because the relevant jurisdiction-stripping provisions of 8 U.S.C. § 1252 did not apply.
2. Petitioner was subject to detention under 8 U.S.C. § 1226(a) and its implementing regulations, not mandatory detention under 8 U.S.C. § 1225(b)(2)(A), because he entered without inspection and was arrested by ICE away from a port of entry.
3. Detaining petitioner without an opportunity for release on bond violated his procedural due process rights under the Fifth Amendment.
4. Petitioner's continued detention without an individualized special or compelling justification violated substantive due process under the Fifth Amendment.
5. The appropriate relief was immediate release subject to the bond and other conditions previously identified by the immigration judge, together with an injunction barring respondents from continuing detention based on mandatory detention under § 1225(b)(2).

KEY QUOTATIONS

"In sum, the Court finds the Mathews factors weigh heavily in factor of Petitioner, and therefore, his detention without the opportunity for release on bond violates his procedural due process rights." (at *22-24)

"Accordingly, in addition to finding that the challenged regulation violates procedural due process, this Court further finds that Petitioner is currently detained in violation of his substantive due process rights." (at *24-25)

“Respondents are enjoined from denying Petitioner release on bond on the basis that he is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2).” (Conclusion)

FACTUAL BACKGROUND

Alejandro Pueblas Rojas, a 31-year-old Mexican citizen, entered the United States without inspection and was detained by ICE in Las Vegas on November 22, 2025. DHS initiated removal proceedings, charging him as removable under 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I). An immigration judge denied a bond hearing based on *Matter of Yajure Hurtado*, but alternatively found that release on a \$2,500 bond and alternatives to detention would be appropriate. Rojas had three minor children, employment in the Las Vegas carpentry industry, no prior criminal history, and the respondents did not assert that he was dangerous or a flight risk.

PROCEDURAL HISTORY

ICE detained petitioner on November 22, 2025, and initiated removal proceedings. An immigration judge denied jurisdiction over a custody-redetermination hearing under *Matter of Yajure Hurtado*, while alternatively determining that a \$2,500 bond and alternatives to detention would be appropriate. Petitioner filed a § 2241 petition on December 22, 2025; respondents filed a return, petitioner filed a traverse, and the district court granted relief.

DISPOSITION

writ_granted

CASES CITED

- *Livia Vicharra v. Henkey*, 2025 WL 3564725, at *1 n.1 (D. Nev. Dec. 12, 2025)
- *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)
- *Escobar Salgado v. Mattos*, 2025 WL 3205356 (D. Nev. Nov. 17, 2025)
- *Barco Mercado v. Francis*, 2025 WL 3205356 (S.D.N.Y. Nov. 26, 2025)
- *Bautista v. Santacruz*, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025)
- *Bautista v. Santacruz*, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025)
- *Bautista v. Santacruz*, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 525, 529 (2004)
- *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968)
- *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973)
- *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001)
- *Zadvydas v. Davis*, 533 U.S. 678, 687, 690-92 (2001)
- *Demore v. Kim*, 538 U.S. 510, 517, 532-33 (2003)
- *Trump v. J. G. G.*, 604 U.S. 670, 672 (2025) (per curiam)
- *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000)
- *Arce v. United States*, 899 F.3d 796, 801 (9th Cir. 2018) (per curiam)

- Aroldo Rodriguez Diaz v. Merrick Garland, Rodriguez Diaz v. Garland, 53 F.4th 1189, 1188-89, 1203-08, 1210 (9th Cir. 2022)
- United States v. Salerno, 481 U.S. 739, 755 (1987)
- Hernandez v. Sessions, 872 F.3d 976, 996 (9th Cir. 2017)
- Herrera v. Knight, 2025 WL 2581792, at *13 (D. Nev. Sept. 5, 2025)
- Aparicio v. Noem, 2025 WL 2998098 (D. Nev. Oct. 23, 2025)
- Berto Mendez v. Noem, 2025 WL 3124285 (D. Nev. Nov. 7, 2025)

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