

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Filogonio Ramirez-Contreras v. Kristi Noem, et al.

No. 2:25-cv-02218-RFB-EJY · No. 2:25-cv-02218-RFB-EJY · Decided December 8, 2025

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 * * * 6 FILOGONIO
RAMIREZ-CONTRETRAS, 7 Petitioner, Case No. 2:25-cv-02218-RFB-EJY 8 v. ORDER
GRANTING PRELIMINARY 9 INJUNCTION KRISTI NOEM, et al., 10 Respondents. 11 12
Pending before the Court is Petitioner Filogonio Ramirez-Contreras’s motion for 13 preliminary
injunctive relief (ECF No. 6), challenging the lawfulness of his detention at Nevada 14 Southern
Detention Center (NSDC) in the custody of the Federal Respondents.

For the following 15 reasons, the Court grants the Motion. 16 On October 28, 2025, an
Immigration Judge (IJ) of the Las Vegas Immigration Court 17 denied Petitioner bond solely on
the basis that the court lacked jurisdiction under Matter of Yajure- 18 Hurtado, 29 I&N Dec. 216
(BIA 2025) (“Hurtado”). ECF No. 13-1. This followed Petitioner’s 19 arrest pursuant to an
administrative warrant issued under § 1226 on September 23, 2025.

He was 20 taken into ICE custody, detained at NSDC, and charged as removable under 8 U.S.C.
§§ 21 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I). Id. 22 Petitioner is a native and citizen of Mexico
who last entered the United States without 23 inspection in or around 2003 and has resided in the
U.S. since. Prior to his detention, Petitioner 24 had consistent work, paid his taxes, and otherwise
provided for his family.

He has no prior criminal 25 history. The Court has previously found in Escobar Salgado v. Mattos,
No. 2:25-cv-01872-RFB- 26 EJY, 2025 WL 3205356 (D. Nev. Nov. 17, 2025) that similarly
situated petitioners who are long- 27 term U.S. residents arrested in the interior and detained
without the opportunity for release on 28 bond, were detained in violation of the INA and due
process.

2025 WL 3205356, at *10-26 (D 1 Nev. Nov. 17, 2025). The Court incorporates by reference and
adopts those same legal conclusions 2 and findings here. 3 As an initial matter, the Court has
habeas jurisdiction to review Petitioner’s challenge to 4 the lawfulness of his detention, because
the relevant jurisdiction stripping provisions of the INA, 5 8 U.S.C. § 1252 do not apply.

See Escobar Salgado, 2025 WL 3205356, at *8-10; Hernandez 6 Duran v. Bernacke, 2:25-cv-
2105-RFB-EJY, 2025 WL 3237451, at *4 (Nov. 19, 2025). 7 The Court also fully incorporates by
reference its prior finding that administrative 8 exhaustion is excused as futile due to the BIA’s

decision in *Hurtado. Jacobo Ramirez v. Noem*, 9 No 2:25-cv-02136-RFB-MDC, 2025 WL 3270137, at *5-6 (D.

Nev. Nov. 24, 2025). 10 The Court finds that Petitioner has satisfied the Winter factors and is therefore entitled to 11 a preliminary injunction ordering a bond hearing pursuant to 8 U.S.C. § 1226(a). *Winter v. Natural 12 Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008) (setting forth factors for preliminary injunction).

To 13 obtain a preliminary injunction, a plaintiff must establish four elements: (1) a likelihood of success 14 on the merits, (2) that the plaintiff will likely suffer irreparable harm in the absence of preliminary 15 relief, (3) that the balance of equities tips in its favor, and (4) that the public interest favors an 16 injunction. *Wells Fargo & Co. v. ABD Ins. & Fin.*

Servs., Inc., 758 F.3d 1069, 1071 (9th Cir. 17 2014), as amended (Mar. 11, 2014) (citing *Winter*, 555 U.S. at 22). 18 The Court finds Petitioner has established a likelihood of success on the merits of his 19 statutory and due process challenges to his continued detention for the same reasons set forth in 20 *Escobar Salgado* regarding Petitioners Reyes-López and Mena-Vargas.

First, in regard to the INA 21 challenge, Respondents assert that § 1225(b)(2) applies to Petitioner and mandates his detention 22 without a bond hearing, Petitioner argues Respondents' interpretation of the statutory scheme of 23 §§ 1225 and 1226 is erroneous, and that he, as a long-time resident arrested in the interior, is 24 subject to § 1226(a). This Court agrees with Petitioner and incorporates by reference its holding 25 and findings in *Escobar Salgado*.

2025 WL 3205356, at *10-22. Further, the Court finds Petitioner 26 has established a likelihood of success on the merits of his procedural and substantive due process 27 challenges to his prolonged detention without an individualized bond hearing.

The procedural due 28 process factors under *Mathews v. Eldridge* weigh heavily in favor of Petitioner because (1) the 1 private interest affected is the fundamental liberty interest in being free from imprisonment; (2) 2 the risk of erroneous deprivation is extraordinarily high where ICE and DHS agency officials have 3 sole, unguided, and unreviewable discretion to detain Petitioner without any individualized 4 showing of why his detention is warranted, nor any process for Petitioner to challenge the exercise 5 of that discretion; (3) the Government's interest in enforcing immigration laws is served by an 6 individualized determination by an immigration judge, based on a review of evidence presented 7 by the government and the noncitizen, as to whether an individual is dangerous or at risk of fleeing 8 removal proceedings, under existing, well-established procedures, and the government has no 9 interest in the unjustified deprivation of a person's liberty.

See *Mathews v. Eldridge*, 424 U.S. 319, 10 334-35 (1976); see also *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022) (collecting 11 cases and applying the *Mathews* test to a

constitutional challenge to detention under 8 U.S.C. § 1226(a)).

Finally, because Respondents have asserted no individualized justification—let alone a special or compelling justification—to continue to deprive Petitioner of his physical liberty, this Court finds that Petitioner is currently detained in violation of his substantive due process rights. See Escobar Salgado, 2025 WL 3205356, at *25. Additionally, it follows inexorably from the Court's determination that Petitioner will continue to be deprived of his physical liberty unconstitutionally in the absence of an injunction that Petitioner has met his burden to show immediate and irreparable harm.

See *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). Likewise, the minimal, if not nonexistent, burden on the government by adhering to an established bond hearing process, as compared to the preventable human suffering, e.g., financial and emotional burdens on both Petitioner and his family, in addition to the fundamental harm of arbitrary detention without meaningful due process, demonstrates that the balance of the equities and public interest tip sharply in Petitioner's favor.

Id. at 995-96 ("the public interest benefits from an injunction that ensures that individuals are not deprived of their liberty and held in immigration detention because of... likely unconstitutional process."). Based on the foregoing IT IS HEREBY ORDERED that Petitioner's Motion for a Preliminary Injunction is GRANTED.] IT IS FURTHER ORDERED that Respondents must provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) no later than December 12, 2025.

3 IT IS FURTHER ORDERED that 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. § 5 | 1225(b)(2). 6 In the event that bond is granted, Respondents are ORDERED to immediately release 7 | Petitioner.

The Court has received notice of the hardship other petitioners have incurred in their 8 | efforts to satisfy bond, and therefore, the Court FURTHER ORDERS that Petitioner be afforded 9 | 45 days from the date of release to satisfy any monetary bond conditions. 10 IT IS FURTHER ORDERED that if the individualized bond hearing is not conducted by 11 | December 12, 2025, Petitioner shall be immediately released until it is determined that his 12 | detention is warranted under 8 U.S.C. § 1226(a).

13 IT IS FURTHER ORDERED that the parties shall file a status report on the status of 14 | Petitioner's bond hearing by December 15, 2025. The status report shall detail if and when the 15 | bond hearing occurred, if bond was granted or denied, and if denied, the reasons for that denial. 16 IT IS FURTHER ORDERED that on or before December 19, 2025, the parties shall file 17 | stipulated proposed scheduling order for full briefing on the merits of the Petition.

18 A full written order on the Amended Petition (ECF No. 5) will follow. 19 DATED: December
8, 2025. in RICHARD F. BOULWARE, II UNITED STATES DISTRICT JUDGE 23 24 25 26 27
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