

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Douglas Alfaro Valladares v. Kristi Noem, et al.

Valladares · No. 2:25-cv-02261-APG-BNW · Decided November 21, 2025

SUMMARY

The United States District Court for the District of Nevada grants Douglas Alfaro Valladares's application to proceed in forma pauperis and motion for appointment of counsel in his 28 U.S.C. § 2241 habeas petition. The order appoints the Federal Public Defender, directs service of the petition on the respondents, and sets deadlines for appearances, the response, and a reply.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Andrew P. Gordon
JURISDICTION	United States District Court for the District of Nevada
DECIDED	November 21, 2025
DOCKET	2:25-cv-02261-APG-BNW
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, an immigration detainee proceeding pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, an application to proceed in forma pauperis, and a motion for appointment of counsel. The court granted the in forma pauperis application and motion for counsel, directed service of the petition, and set deadlines for appearances and responses.
PRECEDENTIAL VALUE	Unknown; procedural district court order
PARTIES	Douglas Alfaro Valladares v. Kristi Noem, et al.

TOPICS

- federal habeas corpus
- immigration detention
- service of process
- civil procedure

PRACTICE AREAS

- immigration law
- federal habeas corpus
- civil procedure

QUESTIONS PRESENTED

1. Whether Valladares should be permitted to proceed in forma pauperis.
2. Whether counsel should be appointed for Valladares in the § 2241 habeas proceeding.
3. Whether the petition should be served on the respondents and the United States Attorney, with deadlines established for appearances, a response, and a reply.

HOLDINGS

1. The application to proceed in forma pauperis is granted.
2. The motion for appointment of counsel is granted, and the Federal Public Defender for the District of Nevada is appointed to represent Valladares in all federal proceedings related to the matter, including appeals or certiorari proceedings, unless permitted to withdraw.
3. The petition must be served on the respondents and the United States Attorney for the District of Nevada, respondents' counsel must file a notice of appearance by November 26, 2025, and respondents must file and serve a response by December 8, 2025, followed by a seven-day period for Valladares to reply.

FACTUAL BACKGROUND

Douglas Alfaro Valladares is an immigration detainee who filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241. He also sought permission to proceed in forma pauperis and appointment of counsel. The court found good cause to grant in forma pauperis status and concluded that appointment of counsel served the interests of justice because of the complexities of the case.

PROCEDURAL HISTORY

Valladares initiated this federal habeas action by filing a § 2241 petition and related motions. The district court entered an order granting in forma pauperis status, appointing the Federal Public Defender, directing the Clerk and U.S. Marshal to serve the respondents, and establishing response and reply deadlines.

DISPOSITION

other

CASES CITED

- Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986)
- Kreiling v. Field, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 Douglas Alfaro Valladares, Case No.: 2:25-cv-02261-APG-BNW 4 Petitioner Order Directing Service of the Petition and 5 v. Appointing Counsel 6 Kristi Noem, et al., [ECF Nos. 1, 1-1, 1-2] 7 Respondents 8 Petitioner Douglas Alfaro Valladares, an immigration detainee, has filed a pro se petition 9 for writ of habeas

corpus under 28 U.S.C. § 2241, an application to proceed in forma pauperis 10 (IFP), and a motion for appointment of counsel.

ECF Nos. 1, 1-1, 1-2. Good cause exists to 11 grant the IFP application. And the appointment of counsel serves the interests of justice, given 12 among other things the complexities of this case.1 I direct that the petition be served on the 13 respondents. 14 I THEREFORE ORDER that the IFP application (ECF No. 1) is granted. 15 I FURTHER ORDER that the motion for appointment of counsel (ECF No. 1-2) is 16 granted.

The Federal Public Defender for the District of Nevada is appointed to represent 17 Douglas Alfaro Valladares and is directed to file a notice of appearance (or indicate its inability 18 to represent Valladares) by December 2, 2025. If the Federal Public Defender is unable to 19 represent Valladares because of a conflict of interest or for any other reason, alternate counsel 20 21 1 Prisoners applying for habeas corpus relief are entitled to appointed counsel when the circumstances indicate that appointed counsel is necessary to prevent due process violations.

22 Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing Kreiling v. Field, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam)). Indeed, the court may appoint counsel at any stage of the 23 proceedings if the interests of justice so require. See 18 U.S.C. § 3006A; see also Rule 8(c), Rules Governing § 2254 Cases; Chaney, 801 F.2d at 1196. 1 will be appointed.

Appointed counsel will represent Valladares in all federal proceedings related 2 to this matter, including appeals or certiorari proceedings, unless allowed to withdraw. 3 I FURTHER ORDER the Clerk of the Court to send a copy of this order to the Federal 4 Public Defender and the CJA coordinator for this division. 5 I FURTHER ORDER the Clerk of Court to: 6 1.

DELIVER a copy of the Petition (ECF No. 1-1) and this Order to the U.S. 7 Marshal for service. 8 2. ADD the United States Attorney for the District of Nevada to the docket as an 9 Interested Party. 10 3. SEND, through CM/ECF, a copy of the Petition (ECF No. 1-1) and this Order to 11 the United States Attorney's Office for the District of Nevada at 12 Sigal.Chattah@usdoj.gov, summer.johnson@usdoj.gov, 13 Veronica.criste@usdoj.gov, and caseview.ecf@usdoj.gov, in accordance with 14 Federal Rule of Civil Procedure 5(b)(2)(E).

15 4. MAIL a copy of the Petition (ECF No. 1-1) and this Order pursuant to Rule 16 4(i)(2) of the Federal Rules of Civil Procedure to: 17 1) Kristi Noem, Secretary, United States Department of Homeland Security, 245 18 Murray Lane SW, Washington, DC 20528 19 2) Pamela Bondi, Attorney General of the United States, 950 Pennsylvania 20 Avenue, NW, Washington, DC, 20530 21 3) Todd Lyons, Acting Director and Senior Official Performing the Duties of the 22 Director for U.S. Immigration and Customs Enforcement, 500 12th Street, 23 SW, Washington, DC 20536 1 4) Kerri Ann Quihuis, Las Vegas Field Office Director, 501 Las Vegas Blvd.

2 South, Suite 536, Las Vegas, NV 89101 3 5) John Mattos, Warden, Nevada Southern Center,
2190 E. Mesquite Ave. 4 Pahrump, NV 89060 5 6) Michael Bernacke, U.S. Immigration Customs
Enforcement and Removal 6 Operations, 501 S. Las Vegas Blvd. Ste 200, Las Vegas, NV 89101 7
I FURTHER ORDER the U.S. Marshal SERVE a copy of the Petition (ECF No. 1-1) and 8|| this
Order on the United States Attorney for the District of Nevada or on an Assistant United 9|| States
Attorney or clerical employee designated by the United State Attorney under Rule 4()(1)(A)G) of
the Federal Rules of Civil Procedure.

11 I FURTHER ORDER counsel for the respondents to file a notice of appearance by 12||
November 26, 2025 and file and serve their response to the Petition by December 8, 2025, unless
13|| additional time is allowed for good cause shown. 14 I FURTHER ORDER that Valladares will
have 7 days following the filing of the response 15|| to file a reply. 16 DATED this 21st day of
November, 2025.

17 G- ANDREW P. GORDON. 19 CHIEF UNITED STATES DISTRICT JUDGE 20 21 22 23