

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Allan Aumentado v. John Mattos

Aumentado · No. 2:25-cv-02571-APG-DJA · Decided January 5, 2026

SUMMARY

The United States District Court for the District of Nevada grants Allan Aumentado’s application to proceed in forma pauperis in his 28 U.S.C. § 2241 habeas petition and appoints the Federal Public Defender to represent him. The order directs service of the petition, sets deadlines for appearances, an amended petition, and responses, and prohibits Aumentado’s transfer out of the district without further court order.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Nevada                                                                                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Andrew P. Gordon, Chief United States District Judge                                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | United States District Court for the District of Nevada                                                                                                                                                                                                                                                                                                  |
| DECIDED               | January 5, 2026                                                                                                                                                                                                                                                                                                                                          |
| DOCKET                | 2:25-cv-02571-APG-DJA                                                                                                                                                                                                                                                                                                                                    |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | An immigration detainee filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 and an application to proceed in forma pauperis. Following preliminary review, the district court granted in forma pauperis status, appointed counsel, directed service of the petition, and imposed interim case-management and status-quo measures. |
| STANDARD OF REVIEW    | Preliminary review of a habeas petition; the order does not articulate a separate standard of review.                                                                                                                                                                                                                                                    |
| PRECEDENTIAL VALUE    | Nonprecedential district court order                                                                                                                                                                                                                                                                                                                     |

TOPICS

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

PRACTICE AREAS

- Federal habeas corpus
- Immigration detention
- Civil procedure
- Preliminary injunctive relief

## QUESTIONS PRESENTED

1. Whether Aumentado should be permitted to proceed in forma pauperis.
2. Whether counsel should be appointed for an immigration detainee seeking § 2241 habeas relief.
3. Whether the petition should be served following preliminary review and what responsive pleading deadlines should apply.
4. Whether respondents should be temporarily barred from transferring Aumentado out of the district pending resolution of the habeas petition.

## HOLDINGS

1. The application to proceed in forma pauperis is granted.
2. Appointment of counsel is warranted because the interests of justice support representation in light of the complexities of the case.
3. The petition must be served on the respondent and the United States Attorney, and the parties must proceed under the deadlines established in the order.
4. Respondents must not transfer Aumentado out of the District of Nevada without further order of the court.

## KEY QUOTATIONS

*“Given the exigent circumstances, I find that this order is warranted to maintain the status quo pending resolution on the merits and find that Aumentado has satisfied the factors governing the issuance of such preliminary relief.”* (at 3)

## FACTUAL BACKGROUND

Allan Aumentado, an immigration detainee, filed a pro se petition for habeas corpus under 28 U.S.C. § 2241 and sought leave to proceed in forma pauperis and appointment of counsel. The court found good cause for IFP status and concluded that the complexities of the case and the interests of justice supported appointment of counsel. The court also found exigent circumstances and determined that temporary relief maintaining the status quo was warranted while the merits were resolved.

## PROCEDURAL HISTORY

Aumentado initiated this federal habeas proceeding by filing a § 2241 petition and an IFP application. The court granted IFP status, appointed the Federal Public Defender, directed service on the respondent and the United States Attorney, required an amended petition and responsive pleadings, and temporarily barred transfer of Aumentado out of the district pending further order.

## 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)
- F.T.C. v. Dean Foods Co., 384 U.S. 597, 604 (1966)

## OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 Allan Aumentado, Case No.: 2:25-cv-02571-APG-DJA 4 Petitioner Order Directing Service of the Petition and 5 v. Appointing Counsel 6 John Mattos, [ECF Nos. 1, 1-1] 7 Respondent 8 Allan Aumentado, immigration detainee, has filed a pro se Petition for Writ of Habeas 9 Corpus under 28 U.S.C. § 2241 and an application to proceed in forma pauperis (IFP).

ECF Nos. 10 1, 1-1. Good cause exists to grant the IFP application. In his petition, Aumentado requests 11 appointment of counsel. ECF No. 1-1 at 1. The appointment of counsel supports the interests of 12 justice given, among other things, the complexities of this case.<sup>1</sup> Following a preliminary review 13 of the petition, I direct that the petition be served on the respondents.

14 I HEREBY ORDER that the IFP application (ECF No. 1) is granted. 15 I FURTHER ORDER that the Federal Public Defender for the District of Nevada is 16 appointed to represent Aumentado and is directed to file a notice of appearance (or indicate its 17 inability to represent Aumentado) by January 13, 2026. If the Federal Public Defender is unable 18 to represent Aumentado because of a conflict of interest or for any other reason, alternate counsel 19 will be appointed.

Appointed counsel will represent Aumentado in all federal proceedings 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 related to this matter, including any appeals or certiorari proceedings, unless allowed to 2 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 Interested Party. 9 3. SEND, through CM/ECF, a copy of the Petition (ECF No. 1-1) and this Order to 10 the United States Attorney for the District of Nevada at 11 Sigal.Chattah@usdoj.gov, Veronica.criste@usdoj.gov, 12 Summer.johnson@usdoj.gov, and caseview.ecf@usdoj.gov, in accordance with 13 Federal Rule of Civil Procedure 5(b)(2)(E).

4. MAIL a copy of the Petition (ECF No. 1-1) and this Order pursuant to Rule 14 4(i)(2) of the Federal Rules of Civil Procedure to: 15 1) John Mattos, Warden, Nevada Southern Center, 2190 E. Mesquite Ave. Pahrump, NV 89060 16 17 I FURTHER ORDER the U.S. Marshal to SERVE a copy of the Petition (ECF No. 1-1) 18 and this Order on the United States Attorney for the District of Nevada or on an Assistant United 19 States Attorney or clerical employee designated by the United State Attorney pursuant to Rule 20 4(i)(1)(A)(i) of the Federal Rules of Civil Procedure.

21 I FURTHER ORDER that the FPD will have until January 20, 2026 to file an amended 22 petition for writ of habeas corpus. 23 I FURTHER ORDER that the respondents must not transfer Aumentado out of this District without further order of this court. See *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966) (noting the court’s “express authority under the All Writs Act to issue such temporary injunctions as may be necessary to protect its own jurisdiction”).

Given the exigent 3|| circumstances, I find that this order is warranted to maintain the status quo pending resolution on the merits and find that Aumentado has satisfied the factors governing the issuance of such preliminary relief. 6 I FURTHER ORDER counsel for the respondents to file a notice of appearance by January 7|| 13, 2026 and file and serve their response to the amended petition within 14 days of service, 8|| unless additional time is allowed for good cause shown.

9 I FURTHER ORDER that Aumentado has seven days following the filing of the response 10||to file a reply. 11 DATED this 5th day of January, 2026. 12 GA 8 ANDREW P. GORDON. 14 CHIEF UNITED STATES DISTRICT JUDGE 15 16 17 18 19 20 21 22 23