

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)

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