

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

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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