

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Kavin Ariel Salguero y Salguero, et al. v. Kristi Noem, et al.

Salguero y Salguero v. Noem · No. 2:25-cv-02328-RFB-NJK · Decided November 24, 2025

SUMMARY

The United States District Court for the District of Nevada orders federal respondents to show cause why habeas relief under 28 U.S.C. § 2241 should not be granted to two immigration detainees. The order requires respondents to submit a return and supporting detention documents, preserves the court’s jurisdiction by prohibiting transfer of the petitioners out of the district, and directs service of the petition and order.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Richard F. Boulware, II
JURISDICTION	United States District Court for the District of Nevada
DECIDED	November 24, 2025
DOCKET	2:25-cv-02328-RFB-NJK
DISPOSITION	other
PROCEDURAL POSTURE	Petitioners filed a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging their continued immigration detention. Before respondents filed a return, the court issued an order to show cause, directed production of detention-related documents, and imposed a temporary non-transfer order.
PRECEDENTIAL VALUE	unpublished
PARTIES	Kavin Ariel Salguero y Salguero, Juan Manuel Garcia-Hernandez v. Kristi Noem, Pamela Bondi, Sirce Owen, Todd Lyons, Jason Knight, Las Vegas Immigration Court, John Mattos, Reggie Radar, Federal Respondents

TOPICS

- immigration detention
- federal habeas corpus
- injunctions
- discovery dispute
- removal proceedings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the § 2241 petition established a sufficient prima facie case to warrant an order requiring respondents to show cause and file a return certifying the true cause of detention.
2. Whether the court could require respondents to produce documents supporting the asserted basis for petitioners' detention.
3. Whether temporary injunctive relief barring respondents from transferring petitioners out of the District of Nevada was warranted to preserve the court's jurisdiction and maintain the status quo.

HOLDINGS

1. Because petitioners established a prima facie case for relief, the court ordered respondents to show cause why the writ of habeas corpus should not be granted and to file a return certifying the true cause of detention.
2. The court ordered respondents to file with their return documents referenced or relied upon in their responsive pleading that reflected the basis for petitioners' detention, or to state that no such documents existed.
3. Respondents were prohibited from transferring petitioners out of the District of Nevada pending resolution of the habeas petition.

KEY QUOTATIONS

“a district court, confronted by a petition for habeas corpus which establishes a prima facie case for relief, may use or authorize the use of suitable discovery procedures . . . reasonably fashioned to elicit facts necessary to help the court to ‘dispose of the matter as law and justice require.’” (at 2)

“express authority under the All Writs Act to issue such temporary injunctions as may be necessary to protect its own jurisdiction” (at 3)

FACTUAL BACKGROUND

Petitioners Kavin Ariel Salguero y Salguero and Juan Manuel Garcia-Hernandez are immigration detainees held at Henderson Detention Center and Nevada Southern Detention Center. They challenged their continued detention in a § 2241 habeas petition. The court preliminarily concluded that petitioners likely could demonstrate circumstances warranting relief similar to that ordered in *Escobar Salgado v. Mattos* and found that the petition established a prima facie case for relief.

PROCEDURAL HISTORY

The matter was initiated in the District of Nevada by immigration detainees held at Henderson Detention Center and Nevada Southern Detention Center. After preliminarily reviewing the petition, the court found that petitioners appeared likely to demonstrate entitlement to relief and ordered respondents to show cause why the writ should not issue. The order required a return, allowed a traverse, authorized limited discovery through

production of supporting detention documents, and preserved jurisdiction by barring transfer out of the district pending resolution on the merits.

DISPOSITION

other

CASES CITED

- Escobar Salgado v. Mattos, No. 2:25-CV-01872-RFB-EJY, 2025 WL 3205356 (D. Nev. Nov. 17, 2025)
- Harris v. Nelson, 394 U.S. 286, 290 (1969)
- F.T.C. v. Dean Foods Co., 384 U.S. 597, 604 (1966)

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 * * * 6 KAVIN ARIEL SALGUERO Y Case No. 2:25-cv-02328-RFB-NJK SALGUERO, et al., 7 ORDER Petitioners, 8 v. 9 KRISTI NOEM, et al., 10 Respondents. 11 12 Petitioners Kevin Ariel Salguero y Salguero and Juan Manuel Garcia-Hernandez, 13 immigration detainees, have filed a counseled Petition for Writ of Habeas Corpus under 28 U.S.C. 14 § 2241 (ECF No. 1), challenging their continued detention at Henderson Detention Center and 15 Nevada Southern Detention Center in the custody of Federal Respondents.

The Court has reviewed 16 the Petition and preliminarily believes Petitioners likely can demonstrate that their circumstances 17 warrant the same relief as this Court ordered for Petitioners in Escobar Salgado v. Mattos, No. 18 2:25-CV-01872-RFB-EJY, 2025 WL 3205356 (D. Nev. Nov. 17, 2025). 19 Thus, Respondents are ORDERED TO SHOW CAUSE why the Writ should not be 20 granted.

See 28 U.S.C. § 2243. Respondents shall file, in writing, within three days, a (i) notice of 21 appearance and (ii) “a return certifying the true cause of detention” on or before November 22 28, 2025. Id. Petitioner may file a traverse on or before December 1, 2025. 23 IT IS FURTHER ORDERED that the parties shall indicate in their briefing whether they 24 request oral argument or an evidentiary hearing on the Petition.

The Court would be amenable to 25 ruling on the papers if the parties indicate that they are willing to waive a hearing. If Respondents 26 have no new arguments to offer that have not already been addressed by the Court, they may so 27 indicate by reference to their previous briefing, while reserving appellate rights. They may not, 28 however, incorporate briefing in a manner that would circumvent the page limits under Local Rule 1 7-3 without leave.

Respondents should file the referenced briefing as an attachment for Petitioner’s 2 counsel’s review. 3 Additionally, the Court finds Petitioners have established a prima facie case for relief and

4 that ordering Respondents to produce documents reflecting the basis for their detention of 5
Petitioners is necessary for the Court to “dispose of the matter as law and justice require.” See 6
Harris v. Nelson, 394 U.S. 286, 290 (1969) (holding that “a district court, confronted by a petition
7 for habeas corpus which establishes a prima facie case for relief, may use or authorize the use of
8 suitable discovery procedures... reasonably fashioned to elicit facts necessary to help the court 9
to ‘dispose of the matter as law and justice require.’”) (citing 28 U.S.C. § 2243).

Therefore, IT IS 10 FURTHER ORDERED that Respondents must file with their Return any
documents referenced 11 or relied upon in their responsive pleading. If Respondents’ asserted
basis for detention is reflected 12 in any documents in their possession including, but not limited
to, an arrest warrant, Notice to 13 Appear, Form-286, Form I-213, Form EOIR-43, Notice of
Appeal, and/or Certification pursuant 14 to an automatic stay under 8 C.F.R. §§ 1003.19(i)(2),
1003.6(c), Respondents must so indicate and 15 file said documents with their pleading.

If no such documents exist to support the asserted basis 16 for detention, Respondents must
indicate that in their Return. 17 IT IS FURTHER ORDERED that Local Rules 7-2, 7-3, and 7-4
will govern the 18 requirements and scheduling of all other motions filed by either party. 19 IT IS
FURTHER ORDERED that the parties shall file all documents and exhibits in 20 accordance with
Local Rules LR IA 10-1 through 10-5.

21 IT IS FURTHER ORDERED that the parties must meet and confer regarding any requests 22
for an extension of deadlines and stipulate to the extension if possible. Any motion for extension
23 must certify efforts taken to meet and confer and indicate the opposing party’s position
regarding 24 the extension. Any motion or stipulation must comply with Federal Rule of Civil
Procedure 6(b) 25 and Local Rules IA 6-1, 6-2.

26 IT IS FURTHER ORDERED that Respondents shall not transfer Petitioners out of this 27
District. See *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966) (noting the court’s “express 28
authority under the All Writs Act to issue such temporary injunctions as may be necessary to 1
protect its own jurisdiction”). Given the exigent circumstances, the Court finds that this order is 2
warranted to maintain the status quo pending resolution on the merits and finds that Petitioners 3
have satisfied the factors governing the issuance of such preliminary relief.

4 IT IS FURTHER KINDLY ORDERED that the Clerk of Court: 5 1. DELIVER a copy of the
Petition (ECF No. 1) and this Order to the U.S. Marshal for 6 service. 7 2. ADD the United States
Attorney for the District of Nevada to the docket as an Interested 8 Party. 9 3. SEND, through
CM/ECF, a copy of the Petition (ECF No. 1) and this Order to the United 10 States Attorney for
the District of Nevada at Sigal.Chattah@usdoj.gov, 11 Veronica.criste@usdoj.gov,
summer.johnson@usdoj.gov, and caseview.ecf@usdoj.gov. in 12 accordance with Federal Rule of
Civil Procedure 5(b)(2)(E).

13 4. MAIL a copy of the Petition (ECF No. 1) and this Order pursuant to Rule 4(i)(2) of the 14
Federal Rules of Civil Procedure to: 15 1) Kristi Noem, Secretary, United States Department of
Homeland 16 Security, c/o Office of General Counsel, 245 Murray Lane SW, Mail 17 Stop 0485,
Washington, D.C. 20528; 18 2) Pamela Bondi, United States Attorney General, U.S. Department
of 19 Justice, 950 Pennsylvania Ave, NW Washington, D.C.

20530-0001; 20 3) Sirce Owen, Acting Director of Executive Office for Immigration 21 Review,
5108 Leesburg Pike, Falls Church, VA 22041; 22 4) Todd Lyons, Acting Director and Senior
Official Performing the Duties 23 of the Director for U.S. Immigration and Customs Enforcement,
500 24 12th Street, SW, Washington, DC 20536; 25 5) Jason Knight, Acting Director of Salt Lake
City Field 26 Office/Enforcement and Removal Operations (ERO), 2975 Decker 27 Lake Drive,
Suite 100, West Valley City, UT 84119-6096; 28 6) Sirce Owen, Acting Director of Executive
Office of Immigration 1 Review, 5107 Leesburg Pike, Falls Church, VA 22041; 2 7) Las Vegas
Immigration Court, 110 N. City Parkway, Las Vegas, NV 3 89106; 4 8) John Mattos, Warden,
Nevada Southern Center, 2190 E. Mesquite Ave. 5 Pahrump, NV 89060; 6 9) Reggie Radar, Police
Chief, Henderson Detention Center, 18 E Basic 7 Road, Henderson, NV 89015.

8 IT IS FURTHER ORDERED that the U.S. Marshal SERVE a copy of the Petition (ECF No. 1)
and this Order on the United States Attorney for the District of Nevada or on an Assistant 10 |
United States Attorney or clerical employee designated by the United States Attorney pursuant to |
Rule 4@)(1)(A)(i) of the Federal Rules of Civil Procedure. 12 DATED: November 24, 2025.

13 14 kt 15 RICHARD F. BOULWARE, II 6 UNITED STATES DISTRICT JUDGE 17 18 19 20
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