

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

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
21 22 23 24 25 26 27 28 -4-