

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Tuan Minh Lam v. John Mattos

Case No. 2:25-cv-02615-APG-NJK (D. Nev. Jan. 13, 2026) · No. 2:25-cv-02615-APG-NJK · Decided January 13, 2026

SUMMARY

The United States District Court for the District of Nevada grants Tuan Minh Lam’s application to proceed in forma pauperis and motion for appointment of counsel in his 28 U.S.C. § 2241 habeas petition. The court appoints the Federal Public Defender, directs service of the petition, prohibits Respondents from transferring Lam out of the District, and establishes deadlines for amended pleadings and responses. The order is signed by Chief Judge Andrew P. Gordon on January 13, 2026.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Andrew P. Gordon
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 13, 2026
DOCKET	2:25-cv-02615-APG-NJK
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, an immigration detainee proceeding pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, an application to proceed in forma pauperis, and a motion for appointment of counsel. After preliminary review, the district court granted in forma pauperis status, appointed counsel, directed service of the petition, ordered an amended petition and responses, and imposed a temporary transfer restriction.
STANDARD OF REVIEW	Preliminary review of a habeas petition; the court also applied the factors governing preliminary injunctive relief.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value
PARTIES	Tuan Minh Lam, Petitioner v. John Mattos, Respondent

TOPICS

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

PRACTICE AREAS

Federal habeas corpus

immigration detention

civil procedure

preliminary injunctive relief

QUESTIONS PRESENTED

1. Whether Lam should be permitted to proceed in forma pauperis.
2. Whether appointment of counsel was warranted in the interests of justice given the complexity of the habeas proceeding.
3. Whether the petition should be served on the respondents after preliminary review.
4. Whether the court should temporarily prohibit Respondents from transferring Lam out of the District of Nevada to preserve the status quo and the court's jurisdiction.

HOLDINGS

1. The application to proceed in forma pauperis is granted because good cause exists.
2. Appointment of counsel is warranted because it is in the interests of justice, including in light of the complexities of the case.
3. The petition must be served on the respondents, and the respondents must appear and respond according to the schedule established in the order.
4. Respondents shall not transfer Lam out of the District of Nevada pending resolution on the merits.

KEY QUOTATIONS

“Following a preliminary review of the petition, I direct that the petition be served on the respondents.” (at 1)

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

FACTUAL BACKGROUND

Tuan Minh Lam is an immigration detainee who filed a pro se § 2241 habeas petition in the District of Nevada. The court found the case sufficiently complex that appointment of counsel was in the interests of justice. Because of exigent circumstances and the need to preserve the court's jurisdiction and the status quo, the court ordered that Lam not be transferred out of the district while the case proceeds.

PROCEDURAL HISTORY

Lam initiated this federal habeas proceeding under § 2241 while detained in immigration custody. The court conducted a preliminary review, found good cause to grant in forma pauperis status, determined that appointment of counsel was in the interests of justice, and ordered service and further briefing. The court also ordered Respondents not to transfer Lam out of the District of Nevada pending resolution on the merits.

DISPOSITION

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 Tuan Minh Lam, Case No.: 2:25-cv-02615-APG-NJK 4 Petitioner Order Directing Service of the Petition and 5 v. Appointing Counsel 6 John Mattos, [ECF Nos. 1, 1-1, 1-2] 7 Respondent 8 Petitioner Tuan Minh Lam, immigration detainee, has filed a pro se Petition for Writ of 9 Habeas Corpus under 28 U.S.C. § 2241, an application to proceed in forma pauperis (IFP), and a 10 motion for appointment of counsel.

ECF Nos. 1, 1-1, 1-2. First, I find that good cause exists to 11 grant the IFP application. Lam requests appointment of counsel. ECF No. 1-2. I find that the 12 appointment of counsel is in the interests of justice, given, among other things, the complexities 13 of this case.¹ Following a preliminary review of the petition, I direct that the petition be served 14 on the respondents.

15 IT IS HEREBY ORDERED that the IFP application (ECF No. 1) is granted. 16 IT IS FURTHER ORDERED that Petitioner's motion for appointment of counsel (ECF 17 No. 1-2) is granted. 18 IT IS FURTHER ORDERED that the Federal Public Defender for the District of Nevada 19 is appointed to represent Petitioner and is directed to file a notice of appearance (or indicate its 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 inability to represent Valladares) within 7 days of the date of this Order.

If the Federal Public 2 Defender is unable to represent Lam, because of a conflict of interest or for any other reason, 3 alternate counsel will be appointed. Appointed counsel will represent Lam in all federal 4 proceedings related to this matter, including any appeals or certiorari proceedings, unless 5 allowed to withdraw. 6 IT IS FURTHER ORDERED that the Clerk of the Court will send a copy of this order to 7 the Federal Public Defender and the CJA coordinator for this division.

8 It is further ordered that the Clerk of Court: 9 1. DELIVER a copy of the Petition (ECF No. 1-1) and this Order to the U.S. Marshal 10 for service. 11 2. ADD the United States Attorney for the District of Nevada to the docket as an Interested Party. 12 3. SEND, through CM/ECF, a copy of the Petition (ECF No. 1-1) and this Order to 13 the United States Attorney for the District of Nevada at Sigal.Chattah@usdoj.gov, 14 Veronica.criste@usdoj.gov, Summer.johnson@usdoj.gov, and 15 caseview.ecf@usdoj.gov, in accordance with Federal Rule of Civil Procedure 16 5(b)(2) (E).

4. MAIL a copy of the Petition (ECF No. 1-1) and this Order pursuant to Rule 4(i)(2) 17 of the Federal Rules of Civil Procedure to: 18 1) John Mattos, Warden, Nevada Southern Center, 2190 E. Mesquite Ave. Pahrump, NV 89060 19 2) Kristi Noem, Secretary, United States Department of Homeland Security, 245 20 Murray Lane SW, Washington, DC 20528 3) Pamela Bondi, Attorney General of the United States, 950 Pennsylvania 21 Avenue, NW, Washington, DC, 20530 4) Todd Lyons, Acting Director and Senior Official Performing the Duties of the 22 Director for U.S. Immigration and Customs Enforcement, 500 12th Street, SW, Washington, DC 20536 23 5) Michael Bernacke, Acting Field Office Director, Salt Lake City Field Office, U.S. Immigration & Customs Enforcement, 2975 Decker Lake Drive Suite 100, West Valley City, UT 84119-6096; 1 6) Kerry Ann Quihuis, DOJ-USAO, 501 South Las Vegas Blvd, South, Suite 1000, Las Vegas, Nevada 89101 IT IS FURTHER ORDERED that the U.S. Marshal SERVE a copy of the Petition (ECF No. 1-1) and this Order on the United States Attorney for the District of Nevada or on an Assistant United States Attorney or clerical employee designated by the United State Attorney ° pursuant to Rule 4(1)(1)(A)() of the Federal Rules of Civil Procedure. ° IT IS FURTHER ORDERED that the FPD will have 14 days from the date of entry of this order to file an amended petition for writ of habeas corpus.

IT IS FURTHER ORDERED that Respondents shall not transfer Petitioner out of this District. 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 circumstances, I find that this order is warranted to maintain the status quo pending resolution on the merits and finds that Petitioner has satisfied the factors governing the issuance of such preliminary relief.

IT IS FURTHER ORDERED that counsel for Respondents file a notice of appearance within 7 days of the date of this Order and file and serve their response to the amended petition ° within 14 days of service, unless additional time is allowed for good cause shown. IT IS FURTHER ORDERED that Petitioner have 7 days following the filing of the response to file a reply.

DATED this 13th day of January, 2026. 20 9 ANDREW P. GORDON CHIEF UNITED STATES DISTRICT JUDGE 23

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