

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Arturo Rivera v. Debora Borgas, et al.

Rivera · No. 2:24-cv-01072-RFB-BNW · Decided December 16, 2025

SUMMARY

The United States District Court for the District of Nevada granted respondents’ motion for an extension of time to respond to the petitioner’s filings in a habeas corpus action. The court also granted the petitioner’s motion to file exhibits under seal and substituted Debora Borgas for Terry Royal as the respondent warden under Federal Rule of Civil Procedure 25(d).

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	December 16, 2025
DOCKET	2:24-cv-01072-RFB-BNW
DISPOSITION	other
PROCEDURAL POSTURE	In a federal habeas corpus action, the court ruled on respondents' motion for enlargement of time, petitioner's motion to file exhibits under seal, and substitution of the respondent warden under Federal Rule of Civil Procedure 25(d).
STANDARD OF REVIEW	The court determined whether good cause supported the requested enlargement of time and whether compelling reasons supported sealing the exhibits.
PRECEDENTIAL VALUE	Unknown
PARTIES	Arturo Rivera v. Debora Borgas, et al.

TOPICS

- federal habeas corpus
- motions to dismiss
- discovery dispute
- civil procedure

PRACTICE AREAS

- Federal habeas corpus
- Civil procedure

QUESTIONS PRESENTED

1. Whether respondents had shown good cause for a 44-day extension of the deadlines to reply to the motion to dismiss and respond to the motion for discovery.
2. Whether compelling reasons justified filing Rivera's Exhibits 14 and 15 under seal.
3. Whether Debora Borgas should be substituted for Terry Royal as respondent warden under Federal Rule of Civil Procedure 25(d).

HOLDINGS

1. The court granted respondents' motion for enlargement of time because it was made in good faith, was not solely for delay, and was supported by good cause.
2. The court held that compelling reasons justified sealing Exhibits 14 and 15 because the exhibits contained information that could be used for improper purposes.
3. The court substituted Debora Borgas for Terry Royal as respondent warden pursuant to Federal Rule of Civil Procedure 25(d) and directed the Clerk to update the docket.

KEY QUOTATIONS

“While there is a strong presumption in favor of public access to judicial filings, and while courts prefer that the public retain access to them, a court may seal its records if a party demonstrates “compelling reasons” to do so.” (at 2)

“The exhibits in question contain information that could be used for improper purposes. The Court finds that there are compelling reasons for these exhibits to be filed under seal.” (at 2)

FACTUAL BACKGROUND

Respondents' reply to their motion to dismiss and response to Rivera's motion for discovery were due December 17, 2025. Respondents requested a 44-day extension based on counsel's obligations in other cases and represented that Rivera did not oppose the request. Rivera's exhibits contained information concerning certain individuals that the court found could be used for improper purposes.

PROCEDURAL HISTORY

Respondents moved to dismiss the habeas petition and sought a 44-day extension to file their reply and respond to petitioner's discovery motion. Rivera opposed the motion to dismiss and moved for discovery and to file Exhibits 14 and 15 under seal. The court granted the extension and sealing motions and substituted Debora Borgas for Terry Royal as respondent warden.

DISPOSITION

other

CASES CITED

- *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597-98 (1978)
- *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006)

OPINION

1 2 UNITED STATES DISTRICT COURT 3 DISTRICT OF NEVADA 4 *** 5 ARTURO RIVERA, Case No. 2:24-cv-01072-RFB-BNW 6 Petitioner, 7 ORDER v. 8 DEBORA BORGAS, et al., 9 Respondents. 10 11 12 In this habeas corpus action, the respondents filed a motion to dismiss on June 4, 2025. 13 ECF No. 30. Petitioner Arturo Rivera, represented by appointed counsel, filed an opposition to the 14 motion to dismiss on November 17.

ECF No. 37. Rivera also filed a motion for discovery on that 15 date. ECF No. 41. Respondents are due to file a reply in support of the motion to dismiss and a 16 response to the motion for discovery by December 17. See ECF No. 14.

On November 25, 17 Respondents filed a motion for extension of time, requesting a 44-day extension, to January 30, 18 2026. ECF No. 43. 19 Respondents' counsel states that the extension is necessary because of their obligations in 20 other cases, and counsel represents that Rivera does not oppose the extension.

The Court finds that 21 the motion for extension of time is made in good faith and not solely for the purpose of delay, and 22 that there is good cause for the requested extension of time. The Court will grant the extension as 23 requested. Respondents will have until January 30, 2026 for their filings; Rivera will then have 20 24 days to file a reply in support of the motion for discovery.

See ECF No. 14. In light of the relatively 25 straight-forward nature of the motion to dismiss, and the time the briefing of these motions has 26 taken, the Court will not look favorably upon any motion to further extend these deadlines. 27 On November 17, 2025, Rivera also filed a Motion to File Exhibits Under Seal. ECF No. 1 || records of certain individuals.

Id. Respondents did not file a response to that motion. While there 2 || is a strong presumption in favor of public access to judicial filings, and while courts prefer that the 3 || public retain access to them, see *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978), 4 || a court may seal its records if a party demonstrates "compelling reasons" to do so.

See *Kamakana* 5 || v. City & Cty. of Honolulu, 447 F.3d 1172, 1178-79 (9th Cir. 2006). "Compelling reasons" exist 6 || where the records could be used for improper purposes. *Kamakana*, 447 F.3d at 1179 (citing *Nixon*, 7 || 435 U.S. at 598).

The exhibits in question contain information that could be used for improper 8 || purposes. The Court finds that there are compelling reasons for these exhibits to be filed under 9 || seal. The Court therefore grants Petitioner Rivera's motion. 10 IT IS THEREFORE ORDERED that Respondents' Motion for Enlargement of Time 11 || (ECF No. 43) is GRANTED. Respondents

will have until and including January 30, 2026, to file 12 || areply to Petitioner's response to the motion to dismiss and a response to Petitioner's motion for 13 || discovery.

In all other respects, the schedule for further proceedings set forth in the order entered 14 ||} October 25, 2024 (ECF No. 14) remains in effect (Petitioner will have 20 days to file a reply in 15 || support of the motion for discovery). 16 IT IS FURTHER ORDERED that Petitioner's Motion to File Exhibits Under Seal (ECF 17 || No. 39) is GRANTED. Petitioner is granted leave of court to file his Exhibits 14 and 15 under 18 ||} seal.

As those exhibits have already been filed under seal (ECF No. 40), no further action is 19 || necessary in this regard. 20 IT IS FURTHER ORDERED that, pursuant to Federal Rule of Civil Procedure 25(d), 21 || Debora Borgas is substituted for Terry Royal as the respondent warden.

The Clerk of the Court is 22 || directed to update the docket to reflect this change. 23 DATED: December 16, 2025. RICHARD F. BOULWARE, II, 26 UNITED STATES DISTRICT JUDGE 27 28