

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Alexis Enrigue Silva Hernandez v. Kristi Noem, et al.

Silva Hernandez v. Noem · No. 2:25-cv-02304-RFB-EJY · Decided November 21, 2025

SUMMARY

The United States District Court for the District of Nevada ordered federal respondents to show cause why a temporary restraining order should not issue in an immigration detainee's 28 U.S.C. § 2241 habeas action. The court directed respondents to produce documents supporting the petitioner's detention, prohibited his transfer out of the district, and established briefing and service requirements. The order is dated November 21, 2025.

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 21, 2025
DOCKET	2:25-cv-02304-RFB-EJY
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a motion for a temporary restraining order challenging his continued immigration detention. Before ruling on the motion, the court ordered respondents to show cause and produce information and documents concerning the basis for detention.
STANDARD OF REVIEW	The court applied the standards governing temporary and preliminary injunctive relief and considered whether petitioner had established a prima facie case for habeas relief sufficient to warrant targeted discovery under 28 U.S.C. § 2243.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive, nonprecedential value.
PARTIES	Alexis Enrigue Silva Hernandez v. Kristi Noem, et al.

TOPICS

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

PRACTICE AREAS

immigration detention

federal habeas corpus

temporary restraining orders

preliminary injunctive relief

QUESTIONS PRESENTED

1. Whether petitioner had shown sufficient grounds for the court to order respondents to show cause why temporary restraining relief should not issue.
2. Whether petitioner had established a prima facie case for habeas relief warranting discovery and production of documents concerning the basis for his detention.
3. Whether the court should prohibit respondents from transferring petitioner out of the District of Nevada while the merits of the requested relief were resolved.

HOLDINGS

1. Petitioner established a prima facie case for relief, and the court could require respondents to produce documents concerning the basis for his detention and to identify whether additional supporting detention documents existed.
2. Respondents were prohibited from transferring petitioner out of the District of Nevada pending resolution on the merits.

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

Petitioner was detained at the Nevada Southern Detention Center in federal custody. He challenged the continued detention in a § 2241 habeas petition and sought a temporary restraining order. The court found that petitioner had established a prima facie case for relief and that documents concerning the basis for his arrest, detention, and removal proceedings were necessary to resolve the matter.

PROCEDURAL HISTORY

Alexis Enrique Silva Hernandez, an immigration detainee, commenced a § 2241 habeas proceeding and sought emergency relief from continued detention. The district court preliminarily determined that he likely could demonstrate circumstances warranting relief and issued an order to show cause, directed respondents to respond within three days, required production of detention-related documents, and prohibited transfer of petitioner out of the district pending resolution on the merits.

DISPOSITION

CASES CITED

- *Herrera v. Knight*, 2025 WL 2581792 (D. Nev. Sept. 5, 2025)
- *Escobar Salgado v. Mattos*, 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 ALEXIS
ENRIGUE SILVA HERNANDEZ, Case No. 2:25-cv-02304-RFB-EJY 7 Petitioner, ORDER 8 v. 9
KRISTI NOEM, et al., 10 Respondents. 11 Petitioner Alexis Enrique Silva Hernandez,
immigration detainee, has filed a counseled 12 Petition for Writ of Habeas Corpus under 28 U.S.C.
§ 2241 (ECF No. 1), and Motion for 13 Temporary Restraining Order (TRO) (ECF No. 2),
challenging his continued detention at Nevada 14 Southern Detention Center in the custody of
Federal Respondents.

The Court has reviewed the 15 Petition and Motion and preliminarily believes Petitioner likely can
demonstrate that his 16 circumstances warrant the same relief as this Court ordered for Petitioners
in *Herrera v. Knight*, - 17 --F.Supp.3d---, No. 2:25-CV-01366-RFB-DJA, 2025 WL 2581792 (D.
Nev. Sept. 5, 2025) and 18 Petitioner Escobar-Salgado in *Escobar Salgado v. Mattos*, No. 2:25-
CV-01872-RFB-EJY, 2025 19 WL 3205356 (D.

Nev. Nov. 17, 2025). 20 Thus, Respondents are ORDERED TO SHOW CAUSE why the TRO
should not be 21 granted. See 28 U.S.C. § 2243. Respondents shall file, in writing, within three
days, a (i) notice of 22 appearance and (ii) “a return certifying the true cause of detention” on or
before November 23 24, 2025. Id. Petitioner may file a reply on or before November 28, 2025.

24 IT IS FURTHER ORDERED that the parties shall indicate in their briefing whether they 25
request oral argument or an evidentiary hearing on the Motion for TRO. The Court would be 26
amenable to ruling on the papers if the parties indicate that they are willing to waive a hearing. If
27 Respondents have no new arguments to offer that have not already been addressed by the
Court, 28 1 they may so indicate by reference to their previous briefing, while reserving appellate
rights.

They 2 may not, however, incorporate briefing in a manner that would circumvent the page limits
under 3 Local Rule 7-3 without leave. Respondents should file the referenced briefing as an
attachment for 4 Petitioner’s counsel’s review. 5 Additionally, the Court finds Petitioner has
established a prima facie case for relief and 6 that ordering Respondents to produce documents
reflecting the basis for their detention of 7 Petitioner is necessary for the Court to “dispose of the

matter as law and justice require.” See *Harris v. Nelson*, 394 U.S. 286, 290 (1969) (holding that “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.’”) (citing 28 U.S.C. § 2243).

Therefore, IT IS FURTHER ORDERED that Respondents must file with their response any documents referenced or relied upon in their responsive pleading. If Respondents’ asserted basis for detention is reflected in any documents in their possession which have not been provided to Petitioner, including, but not limited to, an arrest warrant, Notice to Appear, Form I-286, Form I-213, and/or Form EOIR- 16 43, Notice of Appeal, and Certification pursuant to an automatic stay under 8 C.F.R. §§ 1003.19(i)(2), 1003.6(c), relevant to Petitioner’s arrest, detention, and removal proceedings, Respondents must so indicate and file said documents with their pleading.

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

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

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, the Court finds 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 KINDLY ORDERED that the Clerk of Court: 1. DELIVER a copy of the Petition (ECF No. 1), Motion (ECF No. 2), attachments (ECF 10 Nos. 1-1, 1-3, 2-1), and this Order to the U.S. Marshal for service. 2. ADD the United States Attorney for the District of Nevada to the docket as an Interested Party. 3. SEND, through CM/ECF, a copy of the Petition (ECF No. 1), Motion (ECF No. 2), attachments (ECF Nos. 1-1, 1-3, 2-1), and this Order to the United States Attorney for the District of Nevada at Sigal.Chattah@usdoj.gov,

Veronica.criste@usdoj.gov, summer.johnson@usdoj.gov, 16 and caseview.ecf@usdoj.gov. in accordance with Federal Rule of Civil Procedure 5(b)(2)(E).

17 4. MAIL a copy of the Petition (ECF No. 1), Motion (ECF No. 2), attachments (ECF Nos. 18 1-1, 1-3, 2-1), and this Order pursuant to Rule 4(i)(2) of the Federal Rules of Civil Procedure to: 19
1) Kristi Noem, Secretary, United States Department of Homeland Security, 245 Murray Lane
SW, Washington, DC 20528 21 2) Pamela Bondi, Attorney General of the United States, 950
Pennsylvania 22 Avenue, NW, Washington, DC, 20530 23 3) Todd Lyons, Acting Director and
Senior Official Performing the Duties 24 of the Director for U.S. Immigration and Customs
Enforcement, 500 25 12th Street, SW, Washington, DC 20536 26 4) Jason Knight, Acting Las
Vegas Field Office Director, 2975 Decker 27 Lake Drive Suite 100, West Valley City, UT 84119-
6096 28 5) John Mattos, Warden, Nevada Southern Center, 2190 E. Mesquite Ave.] Pahrump, NV
89060 2 IT IS FURTHER ORDERED that the U.S. Marshal SERVE a copy of he Petition (ECF
No. 1), Motion (ECF No. 2), attachments (ECF Nos. 1-1, 1-3, 2-1), and this Order on the United
States Attorney for the District of Nevada or on an Assistant United States Attorney or clerical 5
employee designated by the United States Attorney pursuant to Rule 4(1)(1)(A)(1) of the Federal
Rules of Civil Procedure.

7 DATED: November 21, 2025. 8 10 RICHARD F. BOULWARE, II UNITED STATES
DISTRICT JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -4-