

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.

OPINION

Noem

PER CURIAM.

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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 8 *Harris v. Nelson*, 394 U.S. 286, 290 (1969) (holding that "a district court, confronted by a petition 9 for habeas corpus which establishes a prima facie case for relief, may use or authorize the use of 10 suitable discovery procedures . . . reasonably fashioned to elicit facts necessary to help the court 11 to 'dispose of the matter as law and justice require.'"') (citing 28 U.S.C. § 2243). Therefore, IT IS 12 FURTHER ORDERED that Respondents must file with their response any documents referenced 13 or relied upon in their responsive pleading. If Respondents' asserted basis for detention is reflected 14 in any documents in their possession which have not been provided to Petitioner, including, but 15 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. §§ 17 1003.19(i)(2), 1003.6(c), relevant to Petitioner's arrest, detention, and removal proceedings, 18 Respondents must so indicate and file said documents with their pleading. If no such documents 19 exist to support the asserted basis for detention, Respondents must indicate that in their responsive 20 pleading. 21 IT IS FURTHER ORDERED that Local Rules 7-2, 7-3, and 7-4 will govern the 22 requirements and scheduling of all other motions filed by either party. 23 IT IS FURTHER ORDERED that the parties shall file all documents and exhibits in 24 accordance with Local Rules IA 10-1 through 10-5. 25 IT IS FURTHER ORDERED that the parties must meet and confer regarding any requests 26 for an extension of deadlines and stipulate to the extension if possible. Any motion for extension 27 must certify efforts taken to meet and confer and indicate the opposing party's position regarding 28 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. 2 IT IS FURTHER ORDERED that Respondents shall not transfer Petitioner out of this 3 District. See *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966) (noting the court's "express 4 authority under the All Writs Act to issue such temporary injunctions as may be necessary to 5 protect its own jurisdiction"). Given the exigent circumstances, the Court finds that this order is 6 warranted to maintain the status quo pending resolution on the merits and finds that Petitioner has 7 satisfied the factors governing the issuance of such preliminary relief. 8 IT IS FURTHER KINDLY ORDERED that the Clerk of Court: 9 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.

11 2. ADD the United States Attorney for the District of Nevada to the docket as an Interested 12 Party. 13 3. SEND, through CM/ECF, a copy of the Petition (ECF No. 1), Motion (ECF No. 2), 14

15 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
20 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-