

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Kambiz Bakhtiari v. Kristi Noem, et al.

No. 2:25-cv-02346-APG-BNW, United States District Court for the District of Nevada (January 6, 2026)

SUMMARY

The United States District Court for the District of Nevada orders service of Kambiz Bakhtiari’s amended 28 U.S.C. § 2241 habeas petition on the respondents. The court directs respondents not to transfer Bakhtiari out of the district pending resolution on the merits, and establishes deadlines for an appearance, response, and reply.

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 6, 2026
DOCKET	2:25-cv-02346-APG-BNW
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, an immigration detainee proceeding under 28 U.S.C. § 2241, filed an amended habeas petition and moved for a temporary restraining order. The district court directed service of the amended petition, ordered a response, and temporarily prohibited respondents from transferring petitioner out of the district pending resolution on the merits.
STANDARD OF REVIEW	The court applied the factors governing issuance of preliminary relief and found that petitioner satisfied those factors; the order does not identify a separate standard of review.
PRECEDENTIAL VALUE	Unknown

TOPICS

- immigration detention
- removal proceedings
- service of process
- injunctions
- civil procedure

PRACTICE AREAS

- immigration law
- habeas corpus
- civil procedure
- preliminary relief

QUESTIONS PRESENTED

1. Whether the amended habeas petition should be served on the respondents and the United States Attorney.
2. Whether temporary preliminary relief should issue to prevent respondents from transferring petitioner out of the District of Nevada pending resolution of the amended petition.

HOLDINGS

1. The court directed the Clerk and the U.S. Marshal to serve the amended petition and order on the United States Attorney and the named respondents in accordance with Federal Rule of Civil Procedure 4(i), and directed respondents to file a response.
2. The court prohibited respondents from transferring petitioner out of the District of Nevada pending resolution on the merits and found that petitioner satisfied the factors governing issuance of such preliminary relief.

KEY QUOTATIONS

“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.” (1)

FACTUAL BACKGROUND

Kambiz Bakhtiari is an immigration detainee held at the Nevada Southern Center. He filed a habeas petition challenging matters relating to his detention and subsequently filed an amended petition after counsel was appointed. The court found exigent circumstances warranting preservation of the status quo by prohibiting respondents from transferring him out of the District of Nevada while the petition was pending.

PROCEDURAL HISTORY

Bakhtiari initially filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241. After counsel was appointed, he filed a first amended petition and a motion for a temporary restraining order. The district court issued this order directing service and requiring respondents to respond.

DISPOSITION

other

CASES CITED

- F.T.C. v. Dean Foods Co., 384 U.S. 597, 604 (1966)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 Kambiz Bakhtiari, Case No.: 2:25-cv-02346-APG-BNW 4 Petitioner. Order Directing Service of the Amended Petition 5 v.

[ECF No. 7] 6 Kristi Noem, et al., 7 Respondent. 8 Petitioner Kambiz Bakhtiari, immigration detainee, filed a pro se petition for writ of habeas corpus under 28 U.S.C. § 2241. ECF No. 1-1.

Following appointment of counsel, Bakhtiari filed 10 a first amended petition as well as a motion for temporary restraining order. ECF Nos. 7, 9. I 11 direct that the petition be served on the respondents and direct the respondents to file a response. 12 IT IS HEREBY ORDERED that the Clerk of Court: 13 1. DELIVER a copy of the amended petition (ECF No. 7) and this Order to the U.S. 14 Marshal for service.

15 2. ADD the United States Attorney for the District of Nevada to the docket as an Interested Party. 16 3. SEND, through CM/ECF, a copy of the amended petition (ECF No. 7) and this 17 Order to the United States Attorney for the District of Nevada at 18 Sigal.Chattah@usdoj.gov, Veronica.criste@usdoj.gov, 19 Summer.johnson@usdoj.gov, and caseview.ecf@usdoj.gov, in accordance with 20 Federal Rule of Civil Procedure 5(b)(2)(E).

4. MAIL a copy of the amended petition (ECF No. 7) and this Order pursuant to Rule 21 4(i)(2) of the Federal Rules of Civil Procedure to: 22 1) Kristi Noem, Secretary, United States Department of Homeland Security, 245 23 Murray Lane SW, Washington, DC 20528 1 2) Pamela Bondi, Attorney General of the United States, 950 Pennsylvania 2 Avenue, NW, Washington, DC, 20530 3 3) Todd Lyons, Acting Director and Senior Official Performing the Duties of the 4 Director for U.S. Immigration and Customs Enforcement, 500 12th Street, SW, Washington, DC 20536 5 6 4) John Mattos, Warden, Nevada Southern Center, 2190 E. Mesquite Ave. Pahrump, NV 89060 7 5) Michael Bernacke, U.S. Immigration Customs Enforcement and Removal 8 Operations, 501 S. Las Vegas Blvd.

Ste 200, Las Vegas, NV 89101 9 10 IT IS FURTHER ORDERED that the U.S. Marshal SERVE a copy of the amended petition (ECF No. 7) and this Order on the United States Attorney for the District of Nevada or 11 on an Assistant United States Attorney or clerical employee designated by the United State 12 Attorney pursuant to Rule 4(i)(1)(A)(i) of the Federal Rules of Civil Procedure.

13 14 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 15 authority under the All Writs Act to issue such temporary injunctions as may be necessary to 16 protect its own jurisdiction"). Given the exigent circumstances, I find that this order is warranted 17 to maintain the status quo pending resolution on the merits and finds that Petitioner has satisfied 18 the factors governing the issuance of such preliminary relief.

19 20 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 21 within 14 days of the date of this Order, unless additional time is allowed for good cause shown.

22 23 1 IT IS FURTHER ORDERED that Petitioner will have 7 days following the filing of the 2\|
response to file a reply.

3 DATED this 6th day of January, 2026. 4 ee > ANDREW P. GORDON 6 CHIEF UNITED
STATES DISTRICT JUDGE 7 8 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23

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