

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Humberto Perez v. Pamela Bondi, et al.

Perez · No. 2:25-cv-02390-CDS-BNW · Decided December 9, 2025

SUMMARY

The United States District Court for the District of Nevada grants Humberto Perez’s motion for appointment of counsel in his pro se 28 U.S.C. § 2241 habeas petition. The order appoints the Federal Public Defender, directs service of the petition on the respondents and relevant government officials, and sets deadlines for a notice of appearance, response, and reply.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Cristina D. Silva
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 9, 2025
DOCKET	2:25-cv-02390-CDS-BNW
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 and a motion to appoint counsel. On preliminary review, the court appointed counsel and directed service of the petition and a response.
STANDARD OF REVIEW	Preliminary review of a habeas petition under 28 U.S.C. § 2241; the order does not state a more specific standard.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not identified in the source.
PARTIES	Humberto Perez v. Pamela Bondi, et al.

TOPICS

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

PRACTICE AREAS

- Immigration
- Federal habeas corpus
- Civil procedure
- Appointment of counsel

QUESTIONS PRESENTED

1. Whether counsel should be appointed for Perez in the interests of justice in connection with his § 2241 habeas petition.
2. Whether the petition should be served on the respondents and the respondents required to file a response.

HOLDINGS

1. The motion for appointment of counsel was granted because appointment was in the interests of justice in light of the complexities of the case.
2. Following preliminary review, the court directed that the petition be served on the respondents and required respondents' counsel to file a notice of appearance and a response by the dates specified in the order.

KEY QUOTATIONS

“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.” (at 1)

FACTUAL BACKGROUND

Humberto Perez is an immigration detainee who filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court found that appointment of counsel was in the interests of justice, citing the complexities of the case, and ordered service of the petition on the federal and detention-related respondents.

PROCEDURAL HISTORY

The matter was initiated by Perez's pro se § 2241 habeas petition and motion for appointment of counsel. The district court granted the motion, appointed the Federal Public Defender, directed the Clerk and U.S. Marshal to serve the petition and order, and set deadlines for respondents' appearance, response, and petitioner's reply.

DISPOSITION

other

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)

OPINION

Perez

PER CURIAM.

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2 UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

3 4 Humberto Perez, Case No.: 2:25-cv-02390-CDS-BNW 5 Petitioner Order Directing Service of
the Petition and 6 v. Appointing Counsel 7 Pamela Bondi, et al., [ECF No. 1] 8 Respondents 9 10
Petitioner Humberto Perez, immigration detainee, has filed a pro se petition for writ of 11 habeas
corpus under 28 U.S.C. § 2241 and a motion to appoint Federal Public Defender. ECF

12 Nos. 1, 2. First, I find that the appointment of counsel is in the interests of justice, given,
among

13 other things, the complexities of this case.¹ Following a preliminary review of the petition, I 14
direct that the petition be served on the respondents and direct the respondents to file a 15
response. 16 It is hereby ordered that the motion for appointment of counsel [ECF No. 1] is
granted. 17 The Federal Public Defender for the District of Nevada is appointed to represent
petitioner 18 Humberto Perez. If the FPD is unable to represent the petitioner, because of a conflict
of interest 19 or for any other reason, alternate counsel will be appointed. In either case, counsel
will represent 20 the petitioner in all federal court proceedings relating to this matter, unless
allowed to 21 withdraw. 22 It is further ordered that the Clerk of Court: 23 1. DELIVER a copy of
the petition (ECF No. 2) and this order to the U.S. Marshal 24 for service. 25 1 Prisoners applying
for habeas corpus relief are entitled to appointed counsel when the circumstances 26 indicate that
appointed counsel is necessary to prevent due process violations. *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 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 2. ADD the United States Attorney for the District of Nevada to the docket as an 2
Interested Party. 3 3. SEND, through CM/ECF, a copy of the petition (ECF No. 2) and this order to
4 the United States Attorney for the District of Nevada at 5 Sigal.Chattah@usdoj.gov,
Veronica.Criste@usdoj.gov, 6 Summer.Johnson@usdoj.gov, and caseview.ecf@usdoj.gov, in
accordance with 7 Federal Rule of Civil Procedure 5(b)(2)(E). 8 4. MAIL a copy of the petition
(ECF No. 2) and this order pursuant to Rule 4(i)(2) 9 of the Federal Rules of Civil Procedure to:
10 (a) Kristi Noem, Secretary, United States Department of Homeland Security, 245 11 Murray
Lane SW, Washington, DC 20528 12 (b) Pamela Bondi, Attorney General of the United States,
950 Pennsylvania 13 Avenue, NW, Washington, DC, 20530 14 (c) Todd Lyons, Acting Director
and Senior Official Performing the Duties of the 15 Director for U.S. Immigration and Customs
Enforcement, 500 12th Street, 16 SW, Washington, DC 20536 17 (d) John Mattos, Warden,
Nevada Southern Center, 2190 E. Mesquite Ave. 18 Pahrump, NV 89060 19 (e) Michael Bernacke,
U.S. Immigration Customs Enforcement and Removal 20 Operations, 501 S. Las Vegas Blvd. Ste
200, Las Vegas, NV 89101 21 It is further ordered that the U.S. Marshal SERVE a copy of the
petition (ECF No. 2) and 22 this order on the United States Attorney for the District of Nevada or
on an Assistant United 23 States Attorney or clerical employee designated by the United State
Attorney pursuant to Rule 24 4(i)(1)(A)(i) of the Federal Rules of Civil Procedure. 25 26 1 It is
further ordered that counsel for the respondents file a notice of appearance by 2|| December 12,

2025, and file and serve their response to the petition by December 24, 2025, 3} unless additional time is allowed for good cause shown. 4 It is further ordered that Perez has 7 days tow filing of the response to file a reply. 5 Dated: December 9, 2025 LZ ‘ Cristina D. Silva 7 niyed States District Judge 9 10 ll 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

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