

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Oscar David Alas Garcia v. John Mattos, et al.

Alas Garcia v. Mattos · No. 2:25-cv-02580-RFB-NJK · Decided December 31, 2025

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 * * * 6 OSCAR
DAVID ALAS GARCIA, Case No. 2:25-cv-02580-RFB-NJK 7 Petitioner, ORDER 8 v. 9 JOHN
MATTOS, et al., 10 Respondents. 11 Petitioner Oscar David Alas Garcia, immigration detainee,
has filed a counseled Petition for 12 Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1)
challenging the lawfulness of his 13 detention at Nevada Southern Detention Center in the custody
of Federal Respondents.

The Court 14 has reviewed the Petition and preliminarily finds Petitioner likely can demonstrate
that his 15 circumstances warrant the same relief as this Court ordered for Petitioners Mena-
Vargas and 16 Reyes-Lopez in Escobar Salgado v. Mattos, No. 2:25-CV-01872-RFB-EJY, 2025
WL 3205356 17 (D. Nev. Nov. 17, 2025). 18 Therefore, Respondents are ORDERED TO SHOW
CAUSE why the Writ should not be 19 granted.

See 28 U.S.C. § 2243. Respondents shall file, in writing, within three days, a (i) notice of 20
appearance and (ii) “a return certifying the true cause of detention” on or before January 5, 21
2026. Id. Petitioner may file a traverse on or before January 8, 2026. 22 IT IS FURTHER
ORDERED that the parties shall indicate in their briefing whether they 23 request oral argument
or an evidentiary hearing on the Petition.

The Court would be amenable to 24 ruling on the papers if the parties indicate that they are
willing to waive a hearing. 25 IT IS FURTHER ORDERED that if Respondents have no new
arguments to offer that have 26 not already been addressed by the Court, they may so indicate by
reference to their previous 27 briefing, while reserving appellate rights. They may not, however,
incorporate briefing in a manner 28 1 that would circumvent the page limits under LSR 3-2
without leave.

Respondents should file the 2 referenced briefing as an attachment for Petitioner’s counsel’s
review. 3 Additionally, the Court finds Petitioner has established a prima facie case for relief and 4
that ordering Respondents to produce documents reflecting the basis for their detention of 5
Petitioner is necessary for the Court to “dispose of the matter as law and justice require.” See 6
Harris v. Nelson, 394 U.S. 286, 290 (1969) (holding that “a district court, confronted by a petition
7 for habeas corpus which establishes a prima facie case for relief, may use or authorize the use of
8 suitable discovery procedures... reasonably fashioned to elicit facts necessary to help the court 9
to ‘dispose of the matter as law and justice require.’”) (citing 28 U.S.C. § 2243).

Therefore, IT IS 10 FURTHER ORDERED that Respondents must file with their return any documents referenced 11 or relied upon in their responsive pleading. If Respondents' asserted basis for detaining Petitioner 12 is reflected in any documents in their possession, including, but not limited to, an arrest warrant, 13 Notice to Appear, Form-286, Form I-213, order by an immigration judge, etc., Respondents must 14 so indicate, and file said documents with their pleading.

If no such documents exist to support the 15 asserted basis for detention, Respondents must indicate that in their return. 16 IT IS FURTHER ORDERED that Local Rules 7-2, 7-3, and 7-4 will govern the 17 requirements and scheduling of all other motions filed by either party. 18 IT IS FURTHER ORDERED that the parties shall file all documents and exhibits in 19 accordance with Local Rules LR IA 10-1 through 10-5.

20 IT IS FURTHER ORDERED that the parties must meet and confer regarding any requests 21 for an extension of deadlines and stipulate to the extension if possible. Any motion for extension 22 must certify efforts taken to meet and confer and indicate the opposing party's position regarding 23 the extension. Any motion or stipulation must comply with Federal Rule of Civil Procedure 6(b) 24 and Local Rules IA 6-1, 6-2.

25 IT IS FURTHER ORDERED that Respondents shall not transfer Petitioner out of this 26 District. This Court has "express authority under the All Writs Act to issue such temporary 27 injunctions as may be necessary to protect its own jurisdiction." *F.T.C. v. Dean Foods Co.*, 384 28 U.S. 597, 601 (1966); see also *Al Otro Lado v. Wolf*, 952 F.3d 999, 1007 n.6 (9th Cir.

2020) 1 ("Having concluded that [agency action] would interfere with the court's jurisdiction..., the 2 district court properly issued an injunction under the All Writs Act.") (citing 28 U.S.C. § 1651(a)). 3 Were Petitioner prematurely removed from the United States District of Nevada, or more broadly 4 the United States, the removal could interfere with the Court's jurisdiction over his claims.

Given 5 the exigent circumstances surrounding Petitioner, the Court finds that this Order is warranted to 6 maintain the status quo pending resolution on the merits, and the Court 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), attachment (ECF No. 1-1), and this Order 10 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), attachment (ECF No. 1-14 1), and this Order to: 15 i. The United States Attorney for the District of Nevada at 16 Sigal.Chattah@usdoj.gov, Veronica.criste@usdoj.gov, summer.johnson@usdoj.gov, and 17 caseview.ecf@usdoj.gov in accordance with Federal Rule of Civil Procedure 5(b)(2)(E) 18 ii.

Counsel for Respondent John Mattos at ahesman@strucklove.com and 19 jlee@strucklove.com
20 4. MAIL a copy of the Petition (ECF No. 1), attachment (ECF No. 1-1), and this Order 21
pursuant to Rule 4(i)(2) of the Federal Rules of Civil Procedure to: 22 1) Kristi Noem, Secretary,
United States Department of Homeland 23 Security, 245 Murray Lane SW, Washington, DC
20528 24 2) Pamela Jo Bondi, Attorney General of the United States, 950 25 Pennsylvania
Avenue, NW, Washington, DC, 20530 26 3) Michael Bernacke, Acting Las Vegas Field Office
Director, 2975 27 Decker Lake Drive Suite 100, West Valley City, UT 84119-6096 28 4) 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 the Petition (ECF No. 1),
attachment (ECF No. 1-1), and this Order on the United States Attorney for the District of 4
Nevada or on an Assistant United States Attorney or clerical employee designated by the United 5
| States Attorney pursuant to Rule 4(1)(1)(A)(1) of the Federal Rules of Civil Procedure.

6 DATED: December 31, 2025. 7 AS 9 RICHARD F. BOULWARE, II 10 UNITED STATES
DISTRICT JUDGE 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -4-