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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NICOLAS SANHUEZA SEPULVEDA,

Petitioner,

v.

CHRISTOPHER CHESTNUT, Warden,
Nevada Southern Detention Center; TODD
M. LYONS, Acting Director, United States
Enforcement and Removal Operations
Division; KRISTI NOEM, Secretary of
Homeland Security; JOHN DOE 1 OR
JANE DOE 1, Special Agent in Charge
Homeland Security Investigations, Las
Vegas Field Office; JOHN DOE 1 OR
JANE DOE 1, Field Office Director, Las
Vegas Field Office, United States
Enforcement and Removal Operations
Division; PAMELA JO BONDI, United
States Attorney General, in their official
capacities,

Respondents.

Case No. 2:25-cv-00985-CDS-MDC

**Response to Petitioner's Motion for
Issuance of Order to Show Cause**

I. Background

Petitioner Nicolas Sanhueza Sepulveda ("Petitioner" or "Sepulveda") filed his Petition for Writ of Habeas Corpus on June 4, 2025 (ECF No. 1) ("Petition"). Petitioner later filed a Motion for Issuance of Order to Show Cause (ECF No. 12) ("Motion") requesting that the Court order Respondents to show cause why the Petition should not be granted. The Motion requests that the Court require Respondents to file a return within three days of the Court's order. (*Id.* at 2.)

II. Argument

Under 28 U.S.C. § 2243, “[t]he writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days *unless for good cause additional time, not exceeding twenty days, is allowed.*” See *Wallace v. Heinze*, 351 F.2d 39 (9th Cir. 1965), *cert denied*, 384 U.S. 954 (1966) (Federal district court possesses inherent power to grant respondent additional time to file return to order to show cause filed in habeas corpus proceeding.)

Here, the issues raised in the Petition involve administrative processes at two separate federal agencies: (1) United States Immigration and Customs Enforcement office (“ICE”) and (2) the United States Citizenship and Immigration Services (“USCIS”). Specifically, the Petition challenges the lawfulness of Petitioner’s detention by ICE and raises the pendency of his U visa application with USCIS. (ECF No. 1, at 3.) The United States has sent the Petition for assignment to an attorney and preparation of the appropriate response. Before the United States may properly respond to the Petition or an Order to Show Cause, the United States must first obtain and review the non-citizen’s Administrative Record and coordinate its position with both, ICE and USCIS, in light of the arguments raised in the Petition.

Coordination between the United States Attorney’s Office, ICE, and USCIS will require more than three days after the court issues an Order to Show Cause. The United States’ need to coordinate among two separate federal agencies, which in recent days have encountered a significantly increased workload, increases the complexity and time required to properly coordinate the United States’ legal position in a case such as this one. Respondents thus request that the Court grant at least twenty (20) days to respond to an Order to Show Cause, if any is issued.

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1 **III. Conclusion**

2 For the foregoing reasons, an Order to Show Cause should afford the Respondents
3 at least twenty (20) days to respond.

4 Respectfully submitted this 2nd day of July 2025.

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6 SIGAL CHATTAH
 United States Attorney

7 /s/ Christian R. Ruiz
8 CHRISTIAN R. RUIZ
 Assistant United States Attorney
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