



September 4, 2025

Via Electronic Filing

The Honorable Brian R. Martinotti
United States District Judge
MLK Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

**Re: *Lucero Cohetero v. Warden of Delaney Hall, et al.* Civ. No. 25-14364 (BRM)
Petitioner-Plaintiff's Opposition to Extension Request**

Petitioner-Plaintiff Guadalupe Lucero Cohetero, through undersigned counsel, writes to oppose Respondents-Defendants' ("Defendants") two-week extension request of its September 15, 2025 deadline to answer his petition for writ of habeas corpus and complaint injunctive relief (ECF No. 1) and respond to his motion for temporary restraining order (ECF No. 2).

A movant for an extension of briefing deadlines must demonstrate good cause for such an extension. Fed. R. Civ. P. 6(b)(1)(A). A movant establishes good cause when he demonstrates that despite his diligence, he could not reasonably have met the deadline. *See Leyse v. Bank of Am., N.A.*, No. 211CV7128SDWSCM, 2019 WL 1307880, at *1 (D.N.J. Mar. 22, 2019). Courts may deny extensions if the delay would prejudice the non-movant. *See Tonal Sys., Inc. v. iFIT, Inc.*, No. CV 20-1197-GBW, 2022 WL 13944658, at *2 (D. Del. Oct. 24, 2022).

Defendants have not demonstrated good cause for an extension of time. Defendants request more time to brief what it characterizes as novel issues involving 8 C.F.R. § 1003.19(i)(2), DHS' automatic stay regulation. However, as detailed in Mr. Lucero Cohetero's petition and motion, this Court has at least once analyzed whether 8 C.F.R. § 1003.19(i)(2)'s predecessor regulation violated the Fifth Amendment's procedural due process guarantee. *See Ashley v. Ridge*, 288 F. Supp. 2d 662 (D.N.J. 2003). In addition, Defendants have had notice of these claims since Mr. Lucero Cohetero filed his petition on August 8, 2025. Another petitioner asserted almost identical claims against Defendants in this Court on July 24, 2024. *See* Petition

for Writ of Habeas Corpus, *Coy Sajche v. Tsoukaris*, No. 2:25-cv-13726-BRM, ECF No. 1 (D.N.J. Jul. 24, 2025).

Defendants also request an extension “due to time-sensitive deadlines in other immigration-related habeas matters.” Defendants, however, do not specify which matters require their attention, what deadlines are set in those proceedings, and whether those deadlines involve motions for emergency relief, as in this case. Nor do Defendants explain why they cannot meet the deadlines in this case and any others given the resources of the federal government. *See generally Tanyike v. United States*, 603 F. Supp. 3d 572, 583 (S.D. Ohio 2022) (“[T]here is likely no more significant disparity [of resources] than the one that exists between the Government of the United States and an individual litigant who is seeking asylum.”).

Finally, an extension would prejudice Mr. Lucero Cohetero. He moved for emergency relief because he is suffering ongoing irreparable harm from his unlawful detention, punitive conditions, and worsening health in Defendants’ custody. *See* Petitioner-Plaintiff’s Memorandum of Law in Support of Motion for Temporary Restraining Order, ECF No. 2-9 at 28. His detention is also causing his family irreparable harm. *Id.* at 28-29. In addition, Congress recognized the importance of the liberty interests at stake in *habeas corpus* cases when it requires that respondents show cause “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” 28 U.S.C. § 2243. Defendants already have been granted thirty-nine days to respond to Mr. Lucero Cohetero’s allegations. As such, further extension of this Court’s deadlines will prejudice Mr. Lucero Cohetero’s significant liberty interests.

For these reasons, Mr. Lucero Cohetero respectfully opposes Defendants’ request for an extension. Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Jeremy Jong
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cc: All Counsel of Record (via ECF)