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17 **IN THE UNITED STATES DISTRICT COURT
18 FOR THE DISTRICT OF NEVADA**

19 Fernando PEREZ SALES,
20 *Petitioner*,

21 v.

22 Thomas E. FEELEY, Field Office Director, Salt
23 Lake City Field Office, U.S. Immigration and
Custom Enforcement, Enforcement and
Removal Operations Division;

24 John MATTOS, Warden, Nevada Southern
25 Detention Center;

26 Kristi NOEM, Secretary, United States
27 Department of Homeland Security;

28 Pamela BONDI, Attorney General of the United
29 States,
30 *Respondents.*

31 Case No. 2:25-cv-01819-JAD-BNW

32 **PETITIONER'S OPPOSITION TO
33 FEDERAL RESPONDENTS' MOTION
34 TO EXTEND TIME TO FILE
35 RESPONSE TO PETITION**

36 Judge Richard Boulware

**PETITIONER'S OPPOSITION TO FEDERAL RESPONDENTS' MOTION TO
EXTEND TIME TO FILE RESPONSE TO PETITION**

Petitioner Fernando Perez Sales opposes Federal Respondents' motion for an extension of time to file a response to Mr. Perez Sales's habeas petition. *See* Dkt. 14. Contrary to Federal Respondents' assertion, the request is not timely or based on good cause. For these reasons, the Court should deny the motion, find that Respondents have failed to timely respond to Mr. Perez Sales's habeas petition, grant the petition and order Mr. Perez Sales's release.

ARGUMENT

I. Federal Respondents' motion is not timely

Federal Respondents' motion is not timely. *See* Dkt. 14 at 2. Federal Respondents' motion was filed at 11:59 p.m., yesterday, on the day that the Court had ordered them to file a response to Mr. Perez Sales's habeas petition. Dkt. 14; Dkt. 6 at 2 (ordering Respondents to respond by October 22, 2025). The Court issued its order requiring a response on October 2, 2025, nearly three weeks ago. Dkt. 6. Federal Respondents rely on this Court's decision in *Johnson v. Barrett*, No. 2:17-cv-02304-RFB-BNW, 2021 U.S. Dist. LEXIS 201338, at *2–3 (D. Nev. Oct. 16, 2021), which in turn relies on *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D. Pa. 1962). As the court in *Canup* noted, “One of the basic purposes of the Rules of Federal Procedure is to secure the ‘speedy’ determination of pending litigation. Since Magna Carta...delay has been recognized as *pro tanto* denial of justice.”) (citations omitted). *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282 at 283. This principle is particularly apt here, where Mr. Perez Sales seeks to challenge his unlawful detention in a habeas action and endures ongoing unjustified deprivation of liberty.

Federal Respondents invoke the Court’s “inherent authority to manage their own dockets,” Dkt. 14 at 2. The Court has done precisely that in setting its initial deadlines in

1 this case. *Canup* at 31 F.R.D. 282 at 283 (“[c]alendar control by the Courts and the setting
2 of fixed dates for the various steps to be taken in the course of litigation are among the
3 means by which it is sought to eliminate delay.”). The Court should find that filing a
4 motion for an extension of time one minute before the deadline, where Federal
5 Respondents had just one day shy of three weeks’ notice, is not timely.

6 **II. Federal Respondents have not demonstrated good cause for an
7 extension**

8 Federal Respondents generally claim that their motion is for good cause “due to the
9 recent heightened immigration workload the Federal Respondents need a short extension of
10 three days to finalize their response to the Petition.” Dkt. 14 at 2. However, Federal
11 Respondents do not explain how the workload has changed, such that it impacts their
12 ability to meet a deadline they were aware of for nearly three weeks. Further, that the
13 federal government may have a heightened immigration workload stems from its own
14 aggressive policies to unlawfully detain individuals in Mr. Perez Sales’s posture. *See e.g.*,
15 *Herrera v. Knight*, --- F. Supp. 3d ----, 2025 WL 2581792 at *3 (D. Nev. 2025) (describing
16 recent change in Department of Homeland Security (DHS) policy requiring its employees
17 “...to deem anyone arrested in the United States and charged with being inadmissible as an
18 ‘applicant for admission’” and subject to mandatory detention under 8 U.S.C. §
19 1225(b)(2)). This should not be held against Mr. Perez Sales to excuse Federal
20 Respondents’ delay in answering for his unlawful detention.

21 For this reason, Federal Respondents are incorrect that an extension would not
22 unduly prejudice Mr. Perez Sales, who has been detained for nearly four months. Dkt. 1 at
23 7-8; *Creedon v. Taubman*, 8 F.R.D. 268, 269 (N.D. Ohio 1947) (denying extension where,
it would in part, “...prejudice the plaintiff’s pursuit of remedy and entail further delay.”).
Federal Respondents claim that an extension “will promote judicial efficiency by ensuring
that the parties’ arguments are fully developed and supported by the relevant legal and

1 factual authorities, thereby assisting the Court in resolving the matter on a well-informed
 2 record.” Dkt. 14 at 2-3. This is simply not a good cause basis to request an extension,
 3 especially given that Federal Respondents have had to brief similar legal issues as those
 4 presented by Mr. Perez Sales in other cases in this district. *See e.g., Herrera v. Knight, ---*
 5 *F. Supp. 3d ----, 2025 WL 2581792 (D. Nev. 2025); see also Maldonado Vazquez v.*
 6 *Feeley, No. 25-cv-1542, 2025 WL 2676082 (D. Nev. Sept. 17, 2025).*

7 Moreover, Federal Respondents do not address this Court’s Chambers Practices,
 8 which informs parties appearing before it that it “will consider a stipulation or motion for a
 9 continuance or extension of time filed at least three days before the deadline. Requests
 10 made after this deadline will be granted only in extraordinary circumstances if just cause is
 11 presented.”¹ For the same reasons that Federal Respondents cannot demonstrate good cause
 12 for their untimely motion, they cannot meet a more stringent standard of “extraordinary
 13 circumstances.” *Id.*

14 Given these circumstances, Federal Respondents have not demonstrated good
 15 cause, much less extraordinary cause, for this Court to grant their extension.

CONCLUSION

16 For the above-stated reasons, Mr. Perez Sales asks the Court to find that Federal
 17 Respondents’ motion is neither timely nor for good cause and that it deny the motion, and
 18 find that Federal Respondents have failed to timely file a response, grant his habeas petition
 and order his release from Respondents’ custody.

19 Dated: October 23, 2025

20 Respectfully submitted,

21 /s/ Claudia Valenzuela
 22 Claudia Valenzuela*
 23 Immigrant Legal Defense

¹ Chambers Practices of The Honorable Richard F. Boulware, II, United States District Judge available at <https://www.nvd.uscourts.gov/wp-content/uploads/2023/04/Chambers-Practices-of-RFB-42523-1.pdf>.

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