

1 **DAVID E. WALTERS**
2 **STATE OF NEVADA BAR NO.: 7203**
3 **LAW OFFICE OF DAVID E. WALTERS**
4 **4060 E. RUSSELL RD., STE. 100**
5 **LAS VEGAS, NV 89120**
6 **702-405-6666**
7 **ATTORNEY FOR PETITIONER**

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSE RIVERA LOPEZ,
Plaintiff,

Case No.: **2:25-cv-01993-RFB-NJK**

vs.

PETITIONER'S STATUS REPORT

JOHN MATTOS, Warden, Nevada
Southern Detention Center;
MICHAEL BERNACKE, Field Office
Director, U.S. Immigration and Customs
Enforcement,
PAMELA BONDI, Attorney General of
the United States; and
KRISTI NOEM, Secretary of Homeland
Security, in their official capacities,

Defendant

PETITIONER'S STATUS REPORT

COMES NOW, Petitioner **JOSE RIVERA LOPEZ**, by and through his
counsel of record, **DAVID E. WALTERS**, and respectfully submits this Status

1 Report in compliance with the Court's Order requiring information regarding
2 Petitioner's concurrent removal proceedings.

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4 **I. STATUS OF DETENTION**

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6 Petitioner remains detained in the custody of U.S. Department of Homeland
7 Security and Immigration and Customs Enforcement ("ICE") at the Nevada
8 Southern Detention Center located in Pahrump, Nevada. Petitioner has been
9 continuously detained at this facility since August 13, 2025. *See* Exhibit A,
10 Screenshot of ICE Online Detainee Locator.

11 **II. STATUS OF REMOVAL PROCEEDINGS AND PENDING**
12 **APPEAL**

13 The Court has requested information concerning the finality of Petitioner's
14 removal order and any pending appeals. Petitioner states as follows:

- 15 1. **The Removal Order is Not Final:** Petitioner's removal order has not
16 become administratively final.
- 17 2. **Pending Appeal before the BIA:** On October 23, 2025, Petitioner
18 timely filed a Notice of Appeal with the Board of Immigration Appeals
19 ("BIA") challenging the decision of the Immigration Judge.
- 20 3. **Confirmation of Filing:** The BIA issued a filing receipt on October
21 28, 2025, confirming that the appeal was timely received and docketed.
22 *See* Exhibit B (BIA Filing Receipt dated Oct. 28, 2025).
- 23 4. **Legal Effect:** Pursuant to 8 C.F.R. § 1241.1, an order of removal does
24 not become final until the Board of Immigration Appeals dismisses the
25 appeal or waives the right to appeal. Because Petitioner's appeal
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1 remains pending and active on the BIA's docket, the removal order is
2 stayed and is not final.

3 **CONCLUSION**

4 As Petitioner is currently pursuing a direct appeal of his removal order before
5 the Board of Immigration Appeals, his removal order is not final. He remains
6 detained at the Nevada Southern Detention Center while these proceedings move
7 forward.
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10 Respectfully submitted,

11 Date: December 11, 2025
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13 **/s: David E. Walters, Esq.**

14 David E. Walters
15 Attorney for Petitioner
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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 **JOSE RIVERA LOPEZ,**
12
13 **Plaintiff,**

14 **vs.**

15 **JOHN MATTOS, Warden, Nevada**
16 **Southern Detention Center;**
17 **MICHAEL BERNACKE, Field Office**
18 **Director, U.S. Immigration and Customs**
19 **Enforcement,**
20 **PAMELA BONDI, Attorney General of**
21 **the United States; and**
22 **KRISTI NOEM, Secretary of Homeland**
23 **Security, in their official capacities,**
24
25 **Defendant**

Case No.: **2:25-cv-01993-RFB-NJK**

CERTIFICATE OF SERVICE

26 I, Juan Carrillo, employee for Attorney David E. Walters, hereby certify that
27 I served a copy of the **Status Report** was made this day by depositing a copy of the
28 same in the United States Mail in Las Vegas, Nevada, postage prepaid for priority
mailing, addressed to:

1 MICHAEL BERNACKE
2 Field Office Director
3 Salt Lake City Field Office of U.S. Immigration
4 and Customs Enforcement's
5 Enforcement & Removal Operations Division
6 2975 Decker Lake Drive, Suite 100
7 West Valley City, UT 84119-6096

8 Warden John Mattos
9 Nevada Southern Detention Center
10 2190 E. Mesquite Ave.
11 Pahrump, NV 89060

12 Secretary Kristi Noem
13 United States Department of Homeland Security
14 2707 Martin Luther King Jr. Ave. SE
15 Washington, DC 20528-0525

16 Pamela Bondi
17 Attorney General of the United States
18 950 Pennsylvania Ave. NW
19 Washington DC 20530

20 US Attorney's Office for the District of Nevada- Civil Division
21 USANV.CivilDuty@usdoj.gov

22 Summer Johnson
23 US Attorney's Office for the District of Nevada- Civil Division
24 Summer.Johnson@usdoj.gov

25 Executed this 11th day of December, 2025, at Las Vegas, Nevada:

26 **/s: Juan Carrillo**
27 **J. Carrillo**
28 **Senior Paralegal**

EXHIBIT A

JOSE RIVERA-LOPEZ

Country of Birth : El Salvador

A-Number: [REDACTED]

Status : In ICE Custody

State: NV

Current Detention Facility **NEVADA SOUTHERN DETENTION CENTER**

** Click on the Detention Facility name to obtain facility contact information*

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Related Information

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[ICE Detention Facilities](#)

[Privacy Notice](#)

External Links

[Bureau of Prisons Inmate Locator](#)



EXHIBIT B



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS**

Walters, David Edward
Law Office of David E Walters
4060 E. Russell Rd. Ste. 100
LAS VEGAS, NV 89120

DHS/ICE Office of Chief Counsel - LVG
501 S. Las Vegas Blvd., Suite 200
Las Vegas, NV 89101

Name:
RIVERA-LOPEZ, JOSE



Riders:

Date of Notice: 10/28/2025

FILING RECEIPT FOR APPEAL OR MOTION

The Board of Immigration Appeals (Board or BIA) acknowledges receipt of the appeal or motion and fee or fee waiver request (where applicable) on 10/23/2025, in the above-referenced case, filed by the Respondent

Additional Comments
N/A

WARNING FOR APPEALS:

Departure. If you leave the United States after filing this appeal but before the Board issues a decision, your appeal may be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

Proof of posting voluntary departure bond. If you have been granted voluntary departure by the Immigration Judge, you must submit proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.2(c)(3)(ii).

Autostay Bond Appeals. Please note that the automatic stay will expire 90 days from the date of receipt of the DHS' appeal. 8 C.F.R. § 1003.6(c)(3). If the Board grants the respondent's request for additional briefing time, then the 90-day automatic stay period will be tolled for the same number of days. 8 C.F.R. § 1003.6(c)(4).

Form EOIR-27. If the appeal was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

WARNING FOR MOTIONS:

Stay of removal. Filing a motion with the Board does not automatically stop the DHS from executing an order of removal. If the respondent/applicant is in DHS detention and is about to be removed, you may request the Board to stay the removal on an emergency basis. For more information, call the Clerk's Office at (703) 605-1007.

Form EOIR-27. If the motion was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

FILING INSTRUCTIONS:

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is available on EOIR's website at www.justice.gov/eoir.

Accepted by: TeferiM

CC