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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA (Las Vegas)**

L.R.

Petitioner,

v.

**KRISTI NOEM, U.S. DEPARTMENT OF
HOMELAND SECURITY, PAMELA J.
BONDI, U.S. DEPARTMENT OF
JUSTICE, TODD LYONS, JASON
KNIGHT, U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT and JOHN
MATTOS,**

Respondents.

Case No.: 2:25-cv-2019-RFB-BNW

**MOTION FOR TEMPORARY
RESTRAINING ORDER**

Petitioner L.R. (“Petitioner”) requests this Court’s intervention to preserve the status quo and to prevent unjustified psychological stress to Petitioner. This request is made in response to recent events described in the attached Memorandum and supporting exhibits. Petitioner requests a Temporary Restraining Order including the following:

1 Order Respondents to not move Petitioner out of the State of Nevada.

2 Order Respondents, their agents, and contractors to refrain from telling Petitioner that he
3 will be imminently deported when such removal from the United States is prohibited by order
4 of any court, administrative authority or any other law.

5 Order Respondents to address any communication regarding potential removal from the
6 United States to Petitioner's counsel only. If Respondents believe it is necessary for
7 Respondents or their agents to communicate about removal to Petitioner directly, to meet and
8 confer with Petitioner's counsel and to allow Petitioner to first consult with his counsel.

9 Order Respondents, their agents, and contractors to refrain from forcibly removing
10 Petitioner from his cell between midnight and 6 a.m. unless doing do is required by exigent
11 circumstances.

12
13 Respectfully submitted this 21st day of November 2025,

14 /s/Michael Kagan
15 Michael Kagan
16 Nevada Bar No. 12318C

17 /s/Victoria Callier
18 Victoria Callier
19 Student Attorney Practicing
20 Under Nevada Supreme Court Rule 49.3

21 /s/Katrina Pineda
22 Katrina Pineda
23 Student Attorney Practicing
24 Under Nevada Supreme Court Rule 49.3

25 *Attorneys for Petitioner*

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**MEMORANDUM IN SUPPORT OF MOTION
FOR TEMPORARY RESTRAINING ORDER**

Petitioner respectfully requests this Court's immediate action for the reasons stated below.

I. BACKGROUND

Petitioner is detained by ICE at Nevada Southern Detention Center. There is dispute between the parties regarding whether Petitioner may be removed to Mexico, and if so what procedural safeguards would be required before such a removal. However, there is no apparent dispute about two points:

- Petitioner cannot be removed to El Salvador, because he is in grave danger of torture there. On March 14, 2025, the Board of Immigration Appeals granted deferral of removal to El Salvador. ECF 1-2 at 5 (order granting protection under the Convention against Torture).
- Petitioner cannot be removed to any country because the Ninth Circuit Court of Appeals entered a stay of removal on June 27, 2025. *See* Exh. A at 2, Dkt No. 3 (Ninth Circuit Docket). That stay remains in place today.

II. EVENTS OF NOVEMBER 20

On November 20, Respondents' officers woke Petitioner from his cell at around 2 a.m. Over the course of the day, Respondents led Petitioner to believe he was about to be deported. *See* Exh. B (Declaration of Michael Kagan, Esq.) at 7-8. He was taken first to the ICE office in Las Vegas, and then taken with many other detained men on a bus that parked at Harry Reid International Airport. All but Petitioner and one other man had their names read from a list and were led off the bus, presumably to be deported or at least transferred out of Nevada. ICE

1 officers also told Petitioner that he would be deported to Mexico. After hours spent at the ICE
2 office and on a bus at the airport, Petitioner was taken back to NSDC.

3 This was not the first time that Respondents have woken Petitioner in the middle of the
4 night without any clear need to do so. On October 30, Petitioner was woken at 2 a.m. and taken
5 to the ICE Office in Las Vegas. He was told that the purpose of the trip was to have an
6 interview with DHS about his fears of deportation to Mexico. However, no interview occurred
7 that day. *See* Exh. C (Declaration of Petitioner, redacted) at 11-12.¹

10 III. REQUEST FOR TRO

11 This court has habeas jurisdiction to consider conditions of confinement, and equitable
12 jurisdiction to grant injunctions to remedy likely constitutional violations in immigration
13 detention. *See Roman v. Wolf*, 977 F.3d 935, 941 (9th Cir. 2020). A court may grant a
14 preliminary injunction to prevent “immediate and irreparable injury.” Fed. R. Civ. P. 65(b). A
15 preliminary injunction is “an extraordinary remedy that may only be awarded upon a clear
16 showing that the plaintiff is entitled to such relief.” *Winter v. Natural Res. Def. Council, Inc.*,
17 555 U.S. 7, 22 (2008). The standard for obtaining a TRO and a preliminary injunction is the
18 same. *Quiroga v. Chen*, 735 F. Supp. 2d 1226, 1228 (D. Nev. 2010). To obtain a TRO or
19 preliminary injunction, a plaintiff must establish the following *Winter* factors: (1) a likelihood
20 of success on the merits; (2) that the plaintiff will likely suffer irreparable harm in the absence
21 of preliminary relief; (3) that the balance of equities tips in its favor; and (4) that the public
22 interest favors an injunction. *Winter, Inc.*, 555 U.S. at 22.

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28 ¹ This Declaration was previously submitted in unredacted form to the Board of Immigration Appeals. It is
submitted here with redactions to protect Petitioner’s name.

1 In this Motion, the central issue is whether guards or federal officers violate the Fifth or
2 Eighth Amendments by making a person who fears deportation believe he is going to be
3 deported imminently when such deportation would be clearly lawless. The answer must be yes.
4 Threats against detainees that give them imminent fear that grave harm will be inflicted can
5 violate the Constitution. *See Chandler v. D.C. Dep't of Corr.*, 145 F.3d 1355, 1361 (D.C. Cir.
6 1998). Petitioner does not seek the court's intervention to remedy mere stray comments by
7 guards. In this case, officers have essentially staged the initiation of a deportation – taking
8 Petitioner with other deportees to the airport – as well as telling him he would be deported. *Cf.*
9 *United States v. Amiri*, 2025 U.S. Dist. LEXIS 46386 (N.D. Cal. 2025) (in an excessive use of
10 force case, while a verbal threat alone is insufficient, verbal threats that are paired with display
11 of a weapon, or sufficiently severe psychological harm can constitute a constitutional violation).
12 This is not a typical deportation case; the Board of Immigration Appeals has already concluded
13 that if deported “the record demonstrates that the applicant faces a clear probability of torture if
14 detained in El Salvador.” ECF 1-2 at 5 Staging an unlawful deportation is analogous to
15 threatening bodily harm while brandishing a weapon.
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19 While Petitioner suffers immediate injury – fear of immediate unlawful deportation for a
20 man who is in danger of torture in his country of origin – no plausible government interest is
21 served by threatening an action that the government is not even allowed to carry out.
22 Respondent's actions serve no obvious or legitimate purpose given that Petitioner cannot
23 currently lawfully be removed from the United States. They nevertheless cause significant
24 psychological distress for Petitioner, who fears deportation and was led to believe that
25 deportation was imminent. Respondent's actions also raise concern that Respondents may seek
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1 to change the status quo before adjudication of the grave issues at stake in this case. Thus, the
2 balance of equities tips heavily in favor of Petitioner on this Motion.

3 Petitioner requests modest measures to prevent the repeat of these incidents. The
4 requested measures pose minimum or no prejudice to Respondents. Petitioner has been detained
5 in Nevada throughout the long adjudication of his immigration case, since April 2023; there is
6 no clear reason why Respondents would need to relocate him at this stage. Because there is a
7 stay of removal in place, Respondents do not need to tell Petitioner that he will be imminently
8 deported. No legitimate interest is served by Respondents or their officers or agents leading
9 Petitioner to believe that he is going to be deported imminently when that would be illegal.
10 Petitioner is represented by counsel, and Respondents may contact Petitioner's counsel to
11 discuss removal-related matters. Respondents' have also repeatedly interrupted Petitioner's
12 sleep without justification.

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15 If the Court grants Petitioner's Motion, Respondents would be free at any time in the
16 future to move to reconsider these orders if circumstances change. This is an additional reason
17 why the balance of equities favors granting modest interim relief.

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19 For these reasons, Petitioner requests four interim orders to restrain Respondents, their
20 agents and contractors:

- 21
- 22 • To not move Petitioner out of the State of Nevada.
 - 23 • To refrain from telling Petitioner that he will be imminently deported when such
24 removal from the United States is prohibited by order of any court,
25 administrative authority or any other law.
 - 26 • To address any communication regarding potential removal from the United
27 States to Petitioner's counsel only. If Respondents believe it is necessary for
28 Respondents or their agents to communicate about removal to Petitioner directly,

1 to meet and confer with Petitioner’s counsel and to allow Petitioner to first
2 consult with his counsel.

- 3 • To refrain from forcibly removing Petitioner from his cell between midnight and
4 6 a.m. unless doing do is required by exigent circumstances.
5

6 DATED this 22nd day of November, 2025.
7

8 Respectfully Submitted,

9 /s/Michael Kagan
10 Michael Kagan
11 Nevada Bar. No. 12318C

12 /s/ Victoria Callier
13 Victoria Callier
14 Student Attorney Practicing
15 Under Nevada Supreme Court Rule 49.3

16 /s/ Katrina Pineda
17 Katrina Pineda
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EXHIBIT LIST

Exhibit	Document	Page
A	Ninth Circuit Court of Appeals Docket (Redacted)	001
B	Declaration of Michael Kagan, Esq.	002-005
C	Declaration of Petitioner (previously submitted to Board of Immigration Appeals)	006

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