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10 *Counsel for Petitioner*

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

13 **L.R.**

14 *Petitioner,*

15 v.

16
17 **KRISTI NOEM, U.S. DEPARTMENT OF**
HOMELAND SECURITY, PAMELA J.
18 **BONDI, U.S. DEPARTMENT OF**
JUSTICE, TODD LYONS, JASON
19 **KNIGHT, U.S. IMMIGRATION AND**
20 **CUSTOMS ENFORCEMENT and JOHN**
21 **MATTOS,**

22 *Respondents.*

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

23
24
25 **EMERGENCY MOTION (SECOND) FOR**
26 **TEMPORARY RESTRAINING ORDER**

27
28 Petitioner L.R. ("Petitioner") requests this Court's emergency intervention to preserve the status quo, to prevent unjustified psychological harm to Petitioner, and to prevent violation of orders already issued by this Court and the Ninth Circuit Court of Appeals. This emergency request is made in response to recent events described in the attached Memorandum and exhibit.

1 Despite overlapping court orders prohibiting Respondents from removing Petitioner
2 from the United States, a Deportation Officer employed by Immigration and Customs
3 Enforcement (“ICE”) threatened Petitioner with immediate deportation to El Salvador where
4 Petitioner is in danger of torture. The ICE officer then attempted to use Petitioner’s fear of
5 return to El Salvador to persuade him to buy his own plane ticket to Mexico.

6 Petitioner asks this court for protection in the form of the following:

7 First, immediately enjoin Respondents and their agents, contractors, and employees
8 from communicating with Petitioner L.R. about removal or travel out of the United States,
9 relocation from Nevada, or any other substantial change in the status quo. Respondents may
10 discuss these matters with Petitioner’s counsel if needed.

11 Second, order Respondents to immediately release Petitioner from detention.

12 Respectfully submitted this 20th day of January 2026,

13
14 /s/Michael Kagan
15 Michael Kagan
16 Nevada Bar No. 12318C

17 /s/Victoria Callier
18 Victoria Callier

19 /s/Katrina Pineda
20 Katrina Pineda
21 Student Attorneys Practicing
22 Under Nevada Supreme Court Rule 49.3

23 *Attorneys for Petitioner*

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

3 Petitioner respectfully requests this Court’s immediate action for the reasons stated
4 below.

5 **I. BACKGROUND**

6 Petitioner is detained by ICE at Nevada Southern Detention Center (“NSDC”). There are
7 multiple binding orders that prohibit Respondents from removing or relocating Petitioner.

- 8
- 9 • Petitioner cannot be removed to El Salvador, because he is in grave danger of torture
10 there. On March 14, 2025, the Board of Immigration Appeals granted deferral of
11 removal to El Salvador. ECF 1-2 at 5 (order granting protection under the Convention
12 against Torture).
 - 13 • Petitioner cannot be removed from the United States to any other country because the
14 Ninth Circuit Court of Appeals entered a stay of removal on June 27, 2025. *See* ECF No.
15 11-1 at 002 (Ninth Circuit Docket). That stay remains in place today and is likely to
16 remain in place for the indefinite and foreseeable future. *See* ECF No. 23 (Ninth Circuit
17 denial of government motion for summary disposition).
 - 18 • By order of this Court, Petitioner cannot be removed from the District of Nevada
19 without express authorization of the Court. *See* ECF No. 12. Respondents’ counsel
20 confirmed that this order has been communicated to ICE. *See* ECF No. 14.
21
22
23

24 **II. EVENTS OF JANUARY 17**

25
26 On January 17, an ICE Officer, most likely Supervisory Detention and Deportation
27 Officer (SDDO) Tyler Adams, visited Petitioner at NSDC. *See* Exh. A 2 para. 7. Their
28 interaction as described by Petitioner is detailed in Exhibit A, a Declaration from Attorney

1 Michael Kagan. Because of the urgency of this matter, it was not practicable to draft a
2 declaration that could be reviewed as signed by L.R. directly. All quotations in the attached
3 exhibit were dictated, repeated and confirmed by Attorney Kagan during his phone call with
4 Petitioner. Exh. A at 2 para. 3.

5
6 On Saturday morning, January 17, SDDO Adams told L.R., falsely, that, “Your case is
7 done.” The then said that L.R. could be put on a plane to El Salvador on Sunday. After L.R.
8 expressed confusion and fear, Adams told him that he actually had spared him from immediate
9 deportation to El Salvador but urged L.R. to buy his own plane ticket to Mexico instead. Adams
10 then used L.R.’s fear of return to El Salvador to urge L.R. to “hurry up” in making
11 arrangements to go to Mexico. Adams told him that “otherwise you are not going to be safe”
12 and “I’m not going to be able to save you next time.” Exh A. at 2.

13
14 Officer Adams’ statement could be interpreted literally, in which case it would be a
15 threat by a government agent to carry out a dangerous and illegal deportation in violation of the
16 orders of two federal courts as well a final administrative order of deferral of removal. It could
17 also be interpreted as an attempt by a government agent to leverage Petitioner’s fear of El
18 Salvador to obtain nominal consent for removal to Mexico. This constitutes attempted coercion
19 via threat of violence, given that Petitioner is in danger of torture in El Salvador, a fact well
20 known to Respondents. *See* ECF No. 1-2 at 5 (Convention against Torture order).

21
22 This was not the first time that Respondents have threatened to remove Petitioner
23 despite an order from a court that Petitioner cannot be removed. On November 20, 2025, over
24 the course of a day Respondents led Petitioner to believe he was about to be deported, including
25 transporting him to the airport. *See* ECF No. 11 (First Motion for TRO).

III. REQUEST FOR TRO

1
2 This court has habeas jurisdiction to consider conditions of confinement, and equitable
3 jurisdiction to grant injunctions to remedy likely constitutional violations in immigration
4 detention. *See Roman v. Wolf*, 977 F.3d 935, 941 (9th Cir. 2020). A court may grant a
5 preliminary injunction to prevent “immediate and irreparable injury.” Fed. R. Civ. P. 65(b). A
6 preliminary injunction is “an extraordinary remedy that may only be awarded upon a clear
7 showing that the plaintiff is entitled to such relief.” *Winter v. Natural Res. Def. Council, Inc.*,
8 555 U.S. 7, 22 (2008). The standard for obtaining a TRO and a preliminary injunction is the
9 same. *Quiroga v. Chen*, 735 F. Supp. 2d 1226, 1228 (D. Nev. 2010). To obtain a TRO or
10 preliminary injunction, a plaintiff must establish the following *Winter* factors: (1) a likelihood
11 of success on the merits; (2) that the plaintiff will likely suffer irreparable harm in the absence
12 of preliminary relief; (3) that the balance of equities tips in its favor; and (4) that the public
13 interest favors an injunction. *Winter, Inc.*, 555 U.S. at 22.

14
15
16 Petitioner incorporates by reference all of the arguments he has made previously as to
17 why his detention is no longer legal, even if Respondents were not compounding the problem
18 with threats of illegal removal. *See* ECF No. 13 (Amended Petition for Habeas Corpus); ECF
19 No. 21 (Pet’r Reply); ECF No. 24 (Supplemental Authority).

20
21 In this Motion, one central issue is whether guards or federal officers violate the Fifth or
22 Eighth Amendments by making a person who fears deportation believe he is going to be
23 deported imminently and indicates steps to effectuate that deportation, when such deportation
24 would be clearly lawless. The answer must be yes. Threats against detainees that give them
25 imminent fear that grave harm will be inflicted can violate the Constitution. *See Chandler v.*
26 *D.C. Dep’t of Corr.*, 145 F.3d 1355, 1361 (D.C. Cir. 1998).
27
28

1 Petitioner does not seek the court's intervention to remedy mere stray comments by
2 guards. In this case, Officer Adams visited Petitioner on a Saturday morning and engaged in
3 what appears to have been a calculated effort to threaten him and to leverage his fear to get him
4 to buy his own airplane ticket out of the United States. The Board of Immigration Appeals has
5 already concluded that if deported "the record demonstrates that the applicant faces a clear
6 probability of torture if detained in El Salvador." ECF No. 1-2 at 5. Insisting that Petitioner will
7 be removed to the one country that a court has already decided is likely to result in Petitioner's
8 death or torture is tantamount to threatening bodily harm.
9

10 The January 17 events raise concern that Respondents continue to seek to change the
11 status quo even as this Court and the Ninth Circuit have sought to preserve it. The fact that this
12 is the second time in which Petitioner has had to seek the urgent protection of this court calls for
13 stronger remedies. Respondents have described the aborted deportation on November 20 as a
14 situation in which "LR was inadvertently processed." ECF No. 18 at 3 (Fed. Resp't Response to
15 Motion for TRO). After that "inadvertent" incident, Respondents stated that "The Department
16 does not intend to remove L.R. while a stay is in place." *Id.* And yet, less than two months later,
17 with a stay still in place, and agent of Respondents falsely told Petitioner that his case was
18 "done" and threatened him with deportation.
19

20 It should be clear that the Court cannot rely on Respondents to avoid threatening illegal
21 actions against Petitioner if he remains in their custody. Respondent's officers have shown that
22 despite several court orders, they will continue to threaten unlawful removals, and will give
23 Petitioner false information about the status of his case in order to heighten his fear. Thus, the
24 balance of equities tips heavily in favor of Petitioner on this Motion.
25

26
27 Petitioner now seeks two remedies.
28

1 First, Petitioner asks this court to immediately enjoin Respondents and their agents,
2 contractors, and employees from communicating with Petitioner L.R. about removal or travel
3 out of the United States, relocation from Nevada, or any other substantial change in the status
4 quo. Respondents may discuss these matters with Petitioner’s counsel if needed.
5

6 Second, Petitioner asks this court to order his immediate release in order to relieve him
7 of the repeated threats of illegal deportation and risk of inadvertent deportation already evident
8 in Respondents’ repeated conduct.

9 In the alternative, Petitioner notes that the Amended Petition for Habeas Corpus is fully
10 briefed and ripe for decision. The reasons why Petitioner’s continued detention is illegal are
11 incorporated herein; the recent events show there is a heightened danger from his continued
12 detention.
13

14 DATED this 21st day of January, 2026.

15 Respectfully Submitted,

16 /s/Michael Kagan

17 Michael Kagan
18 Nevada Bar. No. 12318C

19 /s/ Victoria Callier

20 Victoria Callier

21 /s/ Katrina Pineda

22 Katrina Pineda
23 Student Attorneys Practicing
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EXHIBIT LIST

Exhibit	Document	Page
A	Declaration of Michael Kagan, Esq	001

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