

1 MICHAEL KAGAN
Nevada Bar No. 12318C
2 VICTORIA CALLIER
KATRINA PINEDA
3 Student Attorneys Practicing
Under Nevada Supreme Court Rule 49.3
4 Attorneys for Petitioner
UNLV IMMIGRATION CLINIC
5 Thomas & Mack Legal Clinic
6 William S. Boyd School of Law
University of Nevada, Las Vegas
7 P.O. Box 71075
Las Vegas, Nevada 89170
8 Telephone: 702-895-3000
Facsimile: 702-895-2081
9 Email: Michael.Kagan@unlv.edu

10 *Counsel for Petitioner*

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

13 **L.R.**

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

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**
CUSTOMS ENFORCEMENT and JOHN
20 **MATTOS,**

21 **AMENDED**
EMERGENCY MOTION (SECOND) FOR
TEMPORARY RESTRAINING ORDER

22 *Respondents.*

23
24
25 THIS AMENDED FILING CORRECTS ERRORS IN ECF NO. 29 REGARDING THE
26 STATUS OF THE NINTH CIRCUIT CASE RELATED TO THIS MATTER.
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Victoria Callier

/s/Katrina Pineda
Katrina Pineda
Student Attorneys Practicing
Under Nevada Supreme Court Rule 49.3

Attorneys for Petitioner

UNLV IMMIGRATION CLINIC
Thomas & Mack Legal Clinic
William S. Boyd School of Law
University of Nevada, Las Vegas
P.O. Box 71075
Las Vegas, Nevada 89170
Telephone: 702-895-3000
Facsimile: 702-895-2081

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
- 10 • Petitioner cannot be removed to El Salvador, because he is in grave danger of torture
11 there. On March 14, 2025, the Board of Immigration Appeals granted deferral of
12 removal to El Salvador. ECF 1-2 at 5 (order granting protection under the Convention
13 against Torture).
 - 14 • By order of this Court, Petitioner cannot be removed from the District of Nevada
15 without express authorization of the Court. *See* ECF No. 12. Respondents’ counsel
16 confirmed that this order has been communicated to ICE. *See* ECF No. 14.

17 The Ninth Circuit Court of Appeals lifted its stay of removal. *See* ECF No. 23-1 at 2
18 (Ninth Circuit denial of government motion for summary disposition). The Ninth Circuit
19 gave no statement regarding reasoning as to the merits of Petitioner’s claims regarding the
20 re-opening of his case; the Court addressed only timeliness issues related to the
21 implementation of the Supreme Court decision in *Riley v. Bondi*, 606 U.S. 259 (2025). *See*
22 ECF No. 23-1 (denial of government motion for summary disposition).
23

24 **II. EVENTS OF JANUARY 17**

25 On January 17, an ICE Officer, most likely Supervisory Detention and Deportation
26 Officer (SDDO) Tyler Adams, visited Petitioner at NSDC. *See* Exh. A 2 para. 7. Their
27
28

1 interaction as described by Petitioner is detailed in Exhibit A, a Declaration from Attorney
2 Michael Kagan. Because of the urgency of this matter, it was not practicable to draft a
3 declaration that could be reviewed as signed by L.R. directly. All quotations in the attached
4 exhibit were dictated, repeated and confirmed by Attorney Kagan during his phone call with
5 Petitioner. Exh. A at 2 para. 3.
6

7 On Saturday morning, January 17, SDDO Adams told L.R., falsely, that, “Your case is
8 done.” Officer Adams then said that L.R. could be put on a plane to El Salvador on Sunday.
9 After L.R. expressed confusion and fear, Adams told him that he actually had spared him from
10 immediate deportation to El Salvador but urged L.R. to buy his own plane ticket to Mexico
11 instead. Adams then used L.R.’s fear of return to El Salvador to urge L.R. to “hurry up” in
12 making arrangements to go to Mexico. Adams told him that “otherwise you are not going to be
13 safe” and “I’m not going to be able to save you next time.” Exh A. at 2.
14

15 Officer Adams’ statement could be interpreted literally, in which case it would be a
16 threat by a government agent to carry out a dangerous and illegal deportation in violation of the
17 orders of a federal court as well a final administrative order of deferral of removal. It could also
18 be interpreted as an attempt by a government agent to leverage Petitioner’s fear of El Salvador
19 to obtain nominal consent for removal to Mexico. This constitutes attempted coercion via threat
20 of violence, given that Petitioner is in danger of torture in El Salvador, a fact well known to
21 Respondents. *See* ECF No. 1-2 at 5 (Convention against Torture order).
22

23 This was not the first time that Respondents have threatened to remove Petitioner
24 despite an order from a court that Petitioner cannot be removed. On November 20, 2025, over
25 the course of a day Respondents led Petitioner to believe he was about to be deported, including
26 transporting him to the airport. *See* ECF No. 11 (First Motion for TRO).
27
28

III. REQUEST FOR TRO

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

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

Petitioner is likely to succeed on the merits of his argument that he cannot be removed to a third county without having his case reopened in Immigration Court, given that is what courts in this District ordered in a very similar cases. *See Cavieres Gomez v. Mattos*, No. 2:25-cv-00975-GMN-BNW, 2025 U.S. Dist. LEXIS 220190, at *17–18 (D. Nev. Nov. 6, 2025); *Perez v. Bondi*, No. 2:25-cv-02390-CDS-BNW (ECF No. 24-1) at 3-4 (following *Cavieres Gomez*, among other cases). Because he has not been provided the opportunity to be heard and has been

1 detained for a prolonged and indefinite period, he is likely to succeed in seeking release from
2 detention. That was also ordered in the other similar cases in this district. *See Cavieres Gomez*,
3 2025 U.S. Dist. LEXIS 220190 at *20; *Perez* at 4. In *Perez*, Judge Silva ordered immediate
4 release when the habeas petitioner “has been informed that the respondents intend to remove
5 him to a third country, and they have actually twice attempted to remove him—*without* an
6 opportunity to be heard.” *Id.*

8 Respondents' only argument against the Amended Petition focused on the fact that there
9 was a pending case in the Ninth Circuit with an automatic stay of removal. According to
10 Respondents, that meant that this case fell under a statutory provision allowing continued
11 detention. Respondents argued: “Petitioner is currently in the pre-removal period and detained
12 under 8 U.S.C. § 1226(c) because there is stay of the final removal order to Mexico (sic.)¹ by
13 the Ninth Circuit.” ECF No. 19 at 11 (lines 12-13). Ninth Circuit has now removed the stay of
14 removal, which also removes the only argument Respondents. Therefore, Petitioner is clearly
15 detained under Section 1231(a) because he has been subject to a final removal order and there is
16 no longer an issue as to whether a Ninth Circuit stay changes that.

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

27
28 ¹ There is no order of removal to Mexico. There is an order of removal to El Salvador, and an order deferring removal to El Salvador owing to the danger of torture.

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 an order from this court in place, an agent of Respondents falsely told Petitioner that his
18 case was "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
28

1 Petitioner now seeks three remedies.

2 First, Petitioner asks this court to immediately enjoin Respondents and their agents,
3 contractors, and employees from communicating with Petitioner L.R. about removal or travel
4 out of the United States, relocation from Nevada, or any other substantial change in the status
5 quo. Respondents may discuss these matters with Petitioner’s counsel if needed.
6

7 Second, enjoin Respondents from removing Petitioner from the United States to any
8 country unless his case is reopened in Immigration Court to allow him a full hearing on fear-
9 based harm in any proposed country of removal other than El Salvador and until his claims have
10 been fully adjudicated in front of an immigration judge and any subsequent appeals.
11

12 Third, order Respondents to immediately release Petitioner from detention.

13 In the alternative, Petitioner notes that the Amended Petition for Habeas Corpus is fully
14 briefed and ripe for decision. The reasons why Petitioner’s continued detention is illegal are
15 incorporated herein; the recent events show there is a heightened danger from his continued
16 detention.
17

18 DATED this 21st day of January, 2026.

19 Respectfully Submitted,

20 /s/Michael Kagan
21 Michael Kagan
22 Nevada Bar. No. 12318C

23 /s/ Victoria Callier
24 Victoria Callier

25 /s/ Katrina Pineda
26 Katrina Pineda
27 Student Attorneys Practicing
28 Under Nevada Supreme Court Rule 49.3

UNLV IMMIGRATION CLINIC
Thomas & Mack Legal Clinic
William S. Boyd School of Law

University of Nevada, Las Vegas
P.O. Box 71075
Las Vegas, Nevada 89170
Telephone: 702-895-3000
Facsimile: 702-895-2081

EXHIBIT LIST

Exhibit	Document	Page
A	Declaration of Michael Kagan, Esq	001

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28