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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Zareh Tanahan,

 Petitioner,

 v.

United States of America, *et al.*,

 Respondents.

Case No. 2:25-cv-02075-RFB-BNW
**Opposition to Respondents Motion
for Extension of Time (ECF No. 13)**

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INTRODUCTION

Respondents' continued detention of Zareh Tanahan, a citizen of Iran, is an egregious violation of his rights under the United States Constitution, as well as the Immigration and Nationality Act, and Immigration and Customs Enforcement's own policies. This Court should deny Respondent's second request for an extension of time and find that Respondents failed to comply with the deadline for filing their response and have waived that opportunity. This Court should rule on the merits of Tanahan's petition and order his immediate release.

ARGUMENT

This Court ordered Respondents to file a response to Tanahan's petition by November 12, 2025.¹ On November 12, Respondents moved for a three-day extension of time to file the response.² Somewhat unusually, Respondents specifically requested that their deadline be moved to Saturday, November 15, 2025.³ Counsel for Respondents did not meet and confer with Petitioner's counsel before filing their request. Nevertheless, Petitioner did not oppose the request. This Court granted that motion, stating "Respondents have up to, and including, November 15, 2025, to file a response to Petitioner's application for a writ of habeas corpus."⁴

Respondents did not file a response, or any other pleading, on November 15, 2025. Instead, at 11:59 PM on Monday, November 17, 2025, Respondents filed a second motion for extension of time, suggesting they never actually intended to file

¹ ECF No. 5 at 3.

² ECF No. 11.

³ ECF No. 11 at 1.

⁴ ECF No. 12.

1 their response to the petition on their requested deadline.⁵ In that request,
2 Respondents state that “Because the due date fell on a Saturday, the Federal
3 Respondents were permitted to file a response by November 17, 2025” citing
4 Federal Rule of Civil Procedure 6(a)(1)(C). But Respondents reliance on that rule is
5 misplaced.

6 Federal Rule of Civil Procedure 6(a) concerns how to calculate a deadline
7 where the method of computing time is not specified in an order or otherwise.
8 Subsection one explains how to calculate a deadline when the period is “stated in
9 days or a longer unit.” Fed. R. Civ. P. 6(a)(1). Here, Respondents specifically asked
10 for a three-day extension of time “to November 15”.⁶ This Court’s order granting
11 that request was similarly explicit, stating that Respondents had up to, and
12 including, November 15, 2025, to file a response. No calculation of days under the
13 Federal Rules was necessary because the Court gave Respondents a specific
14 deadline to file. Because Respondents failed to file a response or a second request
15 for extension of time by the expiration of that deadline, this Court should deem
16 their response waived, and should proceed to evaluating the merits of Tanahán’s
17 claims. Respondents belated second motion for extension of time should be denied
18 because it was filed after the expiration of the deadline, and Respondents did not
19 show that the failure to file before the deadline expired was the result of excusable
20 neglect. *See* Fed. R. Civ. P. 6(b)(1)(B).

21 Finally, Respondents’ allegation that an additional extension will not
22 prejudice petitioner is not well taken.⁷ Petitioner has been unlawfully detained for
23 nearly five months. During that time, the physical and mental demands of caring
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25 ⁵ ECF No. 13. Respondents also did not meet and confer or seek a position on
26 the motion from undersigned counsel.

27 ⁶ ECF No. 11 at 1.

⁷ ECF No. 11 at 3.

1 for Tanahán's twin brother, who is paraplegic, have fallen entirely on his elderly
2 mother, resulting in physical and mental strain.⁸ This Court should grant Petitioner
3 habeas relief and order his immediate release.

4 Dated November 18, 2025.

5 Respectfully submitted,

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7 Rene L. Valladares
8 Federal Public Defender

9 */s/ Laura Barrera*

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11 Laura Barrera
12 Assistant Federal Public Defender
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⁸ See ECF No. 6 at 26–27, 34–39, 54, 56, 57, 58.