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10 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

11 JUSTIN GARCIA-ARAUZ,

12 Petitioner,

13 v.

14 KRISTI NOEM, Secretary of the United  
15 States Department of Homeland Security;  
PAM BONDI, United States Attorney  
16 General; TODD LYONS, Director of United  
States Immigration and Customs  
17 Enforcement; BRYAN WILCOX, Field  
Office Director for Detention and Removal,  
18 U.S. Immigration and Customs  
Enforcement, Department of Homeland  
19 Security; JOHN MATTOS, Warden, Nevada  
Southern Detention Center; EXECUTIVE  
20 OFFICE FOR IMMIGRATION REVIEW  
(EOIR); SIRCE OWEN, Acting Director,  
21 EOIR; LAS VEGAS IMMIGRATION  
COURT,

22 Respondents.  
23

Case No. 2:25-cv-02117-RFB-EJY

**Federal Respondents' Opposition to  
Petitioner's Motion for Joinder, ECF  
No. 3**

24 The Federal Respondents hereby submit this Opposition to Petitioner Justin Garcia-  
25 Arauz's ("Petitioner" or "Garcia-Arauz") Motion for Joinder (ECF No. 3).  
26  
27  
28

1 **I. Introduction**

2 Petitioner seeks to consolidate this case with another proceeding, claiming the cases  
3 present the same questions of law and classes. However, consolidation would be  
4 inappropriate and inefficient where, as here, Petitioner failed to meet his threshold burden of  
5 providing even basic evidentiary support for his claims. The Motion for Joinder (ECF No. 3)  
6 should thus be denied.

7 **II. Legal Standard**

8 Federal Rule of Civil Procedure 42(a) permits consolidation when actions involve "a  
9 common question of law or fact." Fed. R. Civ. P. 42(a). The decision to consolidate rests  
10 within the sound discretion of the district court. *Investors Research Co. v. U.S. Dist. Court for*  
11 *Cent. Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989). In exercising this discretion, courts  
12 consider whether consolidation would promote judicial economy and convenience. *See*  
13 *Johnson v. Celotex Corp.*, 899 F.2d 1281, 1285 (2d Cir. 1990).

14 **III. Legal Standard**

15 **A. Consolidation is Inappropriate Because Petitioner Has Failed to Meet His Burden**  
16 **of Proof**

17 Before the Court can determine whether cases present common questions of law or  
18 fact warranting consolidation, each petitioner must first establish that they have a cognizable  
19 claim supported by evidence. Here, Petitioner has utterly failed to meet this threshold  
20 requirement.

21 **1. Petitioner Bears the Burden of Proof and Has Failed to Carry it**

22 In immigration habeas proceedings, the petitioner bears the burden of proving  
23 unlawful detention. *Walker v. Johnston*, 312 U.S. 275, 286 (1941). This burden requires more  
24 than conclusory allegations. As further explained in the Federal Respondents' Response to  
25 the Amended Petition for Writ of Habeas Corpus (ECF No. 15), the Petition failed to meet  
26 this threshold requirement and should be denied. The arguments set forth in ECF No. 15  
27 regarding Petitioner's failure to meet his burden of proof are hereby incorporated by  
28 reference. *See* ECF No. 15, at 6–9.

