

RAMIREZ-SMITH LAW
NIKKI R. SMITH, ISB: 9030
NSMITH@NRSDT.COM
NEAL F. DOUGHERTY, CSB: 302612
NDOUGHERTY@NRSDT.COM
TALIA D. BURNETT, CSB: 286318
TBURNETT@NRSDT.COM
CASEY PARSONS, ISB: 11323
CPARSONS@NRSDT.COM
JACOB ROURK, ISB: 12585
JROURK@NRSDT.COM
444 W. Iowa Ave.
Nampa, ID 83686
208-461-1883

Attorneys for Petitioner

UNITED STATES DISTRICT COURT
FEDERAL DISTRICT COURT OF IDAHO

Edgar Alexander GARCIA SOTO,

Petitioner,

v.

Jason KNIGHT, Field Office Director of
Enforcement and Removal Operations, Salt Lake
City Field Office, Immigration and Customs
Enforcement; Michael BERNACKE, Acting
Director of the Las Vegas U.S. Immigration and
Customs Enforcement Field Sub-Office; Kristi
NOEM, Secretary, U.S. Department of Homeland
Security; Pamela BONDI, U.S. Attorney General;
John MATTOS, Warden, Nevada Southern
Detention Center,

Respondents.

Case No. 2:25-cv-02138-RFB-BNW

**OPPOSITION TO MOTION TO
ENLARGE TIME FOR FILING
DEADLINES**

Petitioner respectfully asks this Court to deny Respondents' Emergency

Motion for Extension of Time to File a Response to Order to Show Cause (Dkt. 8). The Court previously ordered Respondents to file their response by November 10, 2025 (Dkt. 5).

First, good cause exists neither for the extension of time, nor for the failure to meet and confer about the request. “Good cause comes into play in situations in which there is no fault—excusable or otherwise. In such situations, the need for an extension is usually occasioned by something that is not within the control of the movant” and “requires the moving party to show the deadline cannot be met despite the movant's diligent efforts.” *Utah Republican Party v. Herbert*, 678 F. Appx. 697, 700-01 (10th Cir. 2017).

Indeed, the Federal District Court of Nevada has rejected other requests for extensions of time based on the number of habeas petitions that Respondents’ attorneys must consider and the government shutdown. *Arce-Cervera v. Noem*, No. 2:25-cv-01895-RFB-NJK, 2025 U.S. Dist. LEXIS 212397, at *1 (D. Nev. Oct. 28, 2025) (“While the Court understands that the U.S. Attorney's office is experiencing a heavy workload due to the ongoing federal government shutdown and recent influx of immigration habeas cases, which require expedited briefing, the Court finds they have been provided sufficient notice and opportunity to be heard in this case (3 weeks)”).

While the court was considering a second request for an extension of

time in that case, and while Respondents were given five (5) days of notice as opposed to the three (3) weeks at issue in that case, the same reasoning applies to the request at bar here. Respondents' argument for the exercise of due diligence and the need to evaluate specific factual issues in this matter are unavailing: "[t]he Court finds this matter raises purely legal issues, and there is no need for additional factual information from the relevant agencies." *Id.* In rejecting Respondents' request for an extension of time, this Court recognized that it "has heard Respondents' arguments in support of their mandatory detention policy in several similar matters." *Id.*

Petitioner understands that Respondents' counsel have other habeas corpus petitions to which they must respond; however, he is prejudiced by an extension of time given his ongoing detention. As this Court recognized, "the liberty interests of Petitioner outweigh the time and resource constraints of the U.S. Attorney's office, **particularly because the increase in workload is due to the government's own new detention policy.**" *Id.* (emphasis added). Additionally, the deadline proposed by Respondents – November 12, 2025 – is the same date on which Petitioner's response to Respondents' opposition is due. Counsel for Petitioner will be unable to meaningfully respond to that opposition without adequate time to review it and draft the reply.

Second, Respondents have failed to comply with LR II 7-4(a)(3), which

