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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 VICTOR KALID JACOBO RAMIREZ; EDGAR
 10 MICHEL GUEVARA ALCANTAR; on behalf of
 themselves and others similarly situated, et al.,

Case No.: 2:25-cv-02136

11 Plaintiffs-Petitioners,

12 vs.

**PLAINTIFFS' RESPONSE TO
FEDERAL RESPONDENTS'
MOTION FOR A PROTECTIVE
ORDER**

13 KRISTI NOEM, Secretary, U.S. Department of
 14 Homeland Security, in her official capacity; U.S.
 DEPARTMENT OF HOMELAND SECURITY;
 15 PAMELA J BONDI, Attorney General of the
 United States, in her official capacity; TODD
 16 LYONS, Acting Director for U.S. Immigration and
 Customs Enforcement, in his official capacity; U.S.
 17 IMMIGRATION AND CUSTOMS
 ENFORCEMENT; JASON KNIGHT, Acting Field
 18 Office Director, EXECUTIVE OFFICE FOR
 IMMIGRATION REVIEW; SIRCE OWEN,
 19 Acting Director for Executive Office of
 Immigration Review, in her official capacity; LAS
 20 VEGAS IMMIGRATION COURT; JOHN
 21 MATTOS, Warden, Nevada Southern Detention
 Facility, in his official capacity,

22 Defendants-Respondents.

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**Admitted pro hac vice*

1 Plaintiffs-Petitioners submit this response to Federal Respondents' Motion for a Protective
2 Order (ECF No. 25).

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I. Relevant Background**

5 On October 17, 2025, the Court ordered pre-certification discovery in *Dominguez-Lara,*
6 *et al. v. Noem, et al.*, No. 2:25-cv-01553-RFB-BNW, ECF No. 27 (D. Nev. Aug. 20, 2025). The
7 case was consolidated with *Maldonado Vazquez v. Feeley, et al.*, No: 2:25-cv-01542-RFB-EJY (D.
8 Nev. Aug. 19, 2025) on October 17, 2025, and *Jacobo-Ramirez et al. v. Noem et al.*, No. 2:25-cv-
9 02136-RFB-MDC (D. Nev. Oct. 30, 2025) on October 31, 2025, for discovery purposes only. The
10 order requires the production of the following categories of information for each detainee:

- 11 1. Name.
- 12 2. A-File number and country of origin.
- 13 3. Date of detention.
- 14 4. Copies of any arrest warrant (Form I-200), Notice to Appear (NTA, Form I-862),
15 Record of Deportable / Inadmissible Alien (Form I-213), and Notice of Custody
16 Determination issued by ICE/DHS (Form I-286).
- 17 5. Whether a custody-redetermination (bond) hearing has been requested before an
18 Immigration Judge (IJ), and if so, whether the individual was represented by counsel or
19 appeared pro se.
- 20 6. Whether a bond hearing has been received, and if not, the reason it was denied.
- 21 7. If a bond hearing occurred, whether bond was granted or denied, and the IJ's stated
22 reasons.
- 23 8. If bond was granted, whether the IJ's decision was automatically stayed pursuant
24 to 8 C.F.R. § 1003.19(i)(2).

1 9. If an automatic stay was invoked, whether 8 C.F.R. § 1003.6 was fully complied
2 with.

3 10. Whether DHS is detaining the individual pursuant to 8 U.S.C. § 1225(b)(2).

4 Related to such discovery, the Court ordered that on or before November 5, 2025, a
5 stipulated protective order be circulated by Respondents and signed by all counsel for the above-
6 mentioned matters. *See* Mins. of Proceedings, *Jacobo-Ramirez et al. v. Noem et al.* 2:25-cv-02136-
7 RFB-MDC, ECF No. 5 (D. Nev. Oct. 30, 2025); *Dominguez-Lara, et al. v. Noem, et al.*, 2:25-cv-
8 01553-RFB-BNW, ECF No. 37 (D. Nev. Aug. 20, 2025); *Maldonado Vazquez v. Feeley, et al.*,
9 No: 2:25-cv-01542-RFB-EJY, ECF No. 43 (D. Nev. Aug. 19, 2025).

10 On November 4, 2025, Defendants' Counsel circulated a draft of the protective order for
11 review and approval. On November 5, 2025, counsel for Plaintiffs-Petitioners Jacobo-Ramirez and
12 Guevara-Alcantar circulated proposed edits to the protective order. Subsequently, counsel for the
13 parties met and conferred to resolve any differences in the proposed language for the protective
14 order. Despite these efforts, the parties could not agree on three distinct issues:

- 15 1. Whether a party may designate all "investigative files and techniques" as
16 confidential information;
- 17 2. Whether the "catch-all" provision proposed by Defendants permitting a party to
18 designate as confidential "any other information protected or restricted from disclosure by
19 federal statute or regulation which otherwise could subject either party to civil or criminal
20 penalties or other sanctions in the event of unauthorized disclosure" is too broad; and
- 21 3. Whether any party withholding documents or other materials on the basis of any
22 privilege should be required to provide a privilege log depicting the nature of the document
23 and the legal basis that supports withholding the document.

1 A status check concerning precertification discovery and the protective order was held on
2 November 13, 2025. ECF No. 23. The Parties conveyed to the Court that they were unable to reach
3 an agreement on the language for the stipulated protective order, as they did not reach a consensus
4 on the three issues highlighted above. The Court ordered Respondents to file a motion with a
5 proposed protective order by November 17, 2025, and Plaintiffs to file a response with a proposed
6 protective order by November 19, 2025.

7 **II. Legal Authority**

8 Under Federal Rule of Civil Procedure 26(c) a party or any person from whom discovery
9 is sought may move for a protective order in the court where the action is pending—or as an
10 alternative on matters relating to a deposition, in the court for the district where the deposition will
11 be taken. The party seeking a protective order "bears the burden of showing specific prejudice or
12 harm will result if no protective order is granted." *Phillips ex rel. Estates of Byrd v. Gen. Motors*
13 *Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002).

14 **III. Analysis**

15 Plaintiffs' proposed protective order is similar to Defendants' proposed protective order.
16 Plaintiffs' proposed order differs from Defendants in that it (1) repurposes language from FOIA
17 for categories related to investigative files and "catch all" documents and (2) requires that
18 Defendants produce a privilege for any documents or information that Defendants withhold
19 entirely from Plaintiffs or their counsel.

20 Plaintiffs' order relies on FOIA to set the boundaries for investigative files and "catch all"
21 documents for two reasons. First, if a document would be subject to disclosure through a FOIA
22 request, it would not be considered confidential as a third party would have access. Second, FOIA
23 is a well-established area of law, and if parties do need to dispute whether a document should be
24

1 considered confidential, parties will be able to rely on FOIA precedent to resolve the dispute either
2 among each other or before this Court.

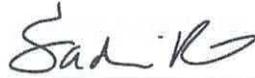
3 Plaintiffs' order requires a privilege log for documents withheld entirely for the same
4 reasons a privilege log would be required in any litigation. First, Plaintiff cannot meaningfully
5 dispute Defendants' assertion of privilege if Plaintiffs do not know what document has been
6 withheld and why. Second, a privilege log makes it much easier for the Court to resolve any
7 privilege dispute if one arises later.

8 Defendants' proposed order is unnecessarily broad, and they have yet to provide good
9 cause for this Court to prefer their order over Plaintiffs'. Plaintiffs respectfully request that this
10 Court accept Plaintiffs' proposal as the protective order governing pre-certification discovery
11 moving forward.

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1 Dated: November 19, 2025.

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3 **UNION OF NEVADA**

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Counsel for Plaintiffs-Petitioners
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **PLAINTIFFS' RESPONSE TO FEDERAL RESPONDENTS' MOTION FOR A PROTECTIVE ORDER** with the Clerk of the Court for the United States District Court of Nevada by using the court's CM/ECF system on November 19, 2025. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished on all participants by:

- CM/ECF
- Electronic mail; or
- US Mail or Carrier Service



ACLU of Nevada Counsel

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