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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 EMAN ZAERI,

10 Petitioner,

11 v.

12 KRISTI NOEM, et. al.,

13 Respondents.  
14

Case No. 2:25-cv-02219-CDS-NJK

**PETITIONER’S OPPOSITION TO  
RESPONDENTS’ SECOND MOTION  
FOR EXTENSION OF TIME TO FILE  
A RESPONSE TO PETITION FOR  
WRIT OF HABEAS CORPUS**

15 Petitioner Eman Zaeri, by and through undersigned counsel, opposes Federal  
16 Respondents’ second motion for an extension of time to file a response to the Petition for Writ  
17 of Habeas Corpus. Respondents seek four additional days, from December 4, 2025 to December  
18 8, 2025, after already receiving an extension from the Court’s original December 1, 2025  
19 deadline.  
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21 **I. BACKGROUND**

22 Petitioner filed this habeas petition on November 11, 2025. The Court ordered  
23 Respondents to respond by December 1, 2025. Respondents sought a first extension, which the  
24 Court granted, extending the deadline to December 4, 2025. Respondents now seek a second  
25 extension, asserting that undersigned government counsel has significant competing habeas  
26 deadlines and is still awaiting (1) DHS documents relating to Petitioner’s August 2020 release  
27  
28

1 to determine whether 8 C.F.R. § 241.4 or § 241.13 governs the revocation, and (2) permission to  
2 file a non-public document they contend impacts Count IV of the Petition.

## 3 II. ARGUMENT

4 Rule 6(b)(1)(A) permits an extension for good cause. The Ninth Circuit has emphasized  
5 that Rule 6(b), like all procedural rules, should be applied in a manner consistent with Rule 1's  
6 mandate to secure the just and speedy resolution of cases and to facilitate decisions on the  
7 merits. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258–59 (9th Cir. 2010). That  
8 discretion must be exercised reasonably in light of the practical consequences of delay. *Id.* at  
9 1259–60. Respondents have not shown good cause sufficient to justify a second delay in a case  
10 challenging ongoing civil detention. Respondents emphasize counsel's unusually heavy  
11 workload during the week of December 1–5. But workload alone does not outweigh the  
12 concrete prejudice of continued detention where the Court has *already* afforded additional time  
13 beyond the original schedule.

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16 *Ahanchian* instructs that Rule 6(b) discretion must be exercised with an eye toward  
17 fairness and the practical impact on the parties. 624 F.3d at 1258–60. Respondents' asserted  
18 need to determine whether 8 C.F.R. § 241.4 or § 241.13 applies does not require postponing the  
19 answer. Respondents can address both regulatory frameworks in the alternative and preserve  
20 whatever argument the agency records may later support. The motion itself reflects that counsel  
21 has already reviewed the Petition and drafted large portions of the response. The Court should  
22 not extend a habeas response deadline further simply to allow the government to select between  
23 two possible regulatory theories, especially where the label attached to the 2020 release does  
24 not alter the central question presented: whether Petitioner's current detention is lawful.

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27 Likewise, Respondents' desire to obtain internal permission to file a non-public  
28 document does not justify delaying the answer. If Respondents believe such a document is

1 necessary, they can file their response on time and submit the document later. The impact on the  
2 Respondents is negligible at best. While the Petitioner, on the other hand, remains detained in  
3 violation of one of the most sacred rights enshrined in the Constitution.

4 Respondents' assertion that Petitioner will not be unduly prejudiced because the  
5 requested extension amounts to "merely 7 days from the original due date" understates the harm  
6 inherent in continued confinement. In a habeas case, prejudice is measured in days of liberty  
7 lost. Unlike in *Ahanchian*, where the absence of prejudice rendered a denial of a brief extension  
8 an abuse of discretion, prejudice here is undeniable. Mr. Zaeri remains civilly detained and each  
9 additional day is an additional deprivation of liberty. *See Ahanchian*, 624 F.3d at 1259.  
10

### 11 III. CONCLUSION

12 For these reasons, Petitioner respectfully requests that the Court deny Respondents'  
13 second motion for extension of time.  
14

15 In the alternative, if the Court is inclined to grant any relief, Petitioner requests that the  
16 Court require Respondents to file their answer immediately and permit only a short, focused  
17 supplemental submission limited to the August 2020 release documentation or the referenced  
18 non-public document, if and when those materials are obtained.  
19

20 DATED this 5th day of December, 2025.

21 Respectfully Submitted,

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