

1 MICHAEL T. SHAMOON, ESQ.  
Nevada Bar. No. 15324  
2 ATHENA C. ELIADES, ESQ.  
Nevada Bar. No. 15216  
3 SHAMOON ELIADES, LLP  
7995 W Sahara Ave, Suite 101  
4 Las Vegas, Nevada 89117  
Telephone: 702-996-7411  
5 Email: mts@shamooneliades.com  
*Attorneys for Petitioner*

6  
7 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

8 EMAN ZAERI,

9 Petitioner,

10 v.

11 KRISTI NOEM, *et. al.*,

12 Respondents.  
13

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

**PETITIONER’S OPPOSITION TO  
RESPONDENTS’ REQUEST FOR  
EXTENSION OF TIME**

14  
15 Petitioner Eman Zaeri respectfully opposes Respondents’ request for an extension of  
16 time, set forth in their “Status Report in Compliance with Court’s Minute Order” (ECF No. 19),  
17 and requests that the Court deny the extension and proceed to issue its written order forthwith.

18 **I. RESPONDENTS HAVE NOT COMPLIED WITH THE COURT’S ORDER**

19 At the December 22, 2025 hearing, the Court ordered Respondents to supplement the  
20 record by the close of business on December 29, 2025 with (1) evidence of efforts to obtain  
21 travel documents for third-country removal and (2) documentation concerning the revocation of  
22 Petitioner’s supervised release. Respondents did neither.  
23

24 Instead of supplementing the record with evidence, Respondents filed a status report  
25 explaining that they have *begun asking the agency for information* and requesting additional  
26 time to do what the Court already ordered them to do. That is not compliance. It is an admission  
27 that, as of the Court-ordered deadline, no such evidence exists in the record.  
28

1 A court-ordered supplementation deadline is not satisfied by a promise to investigate  
2 later.

3 **II. DEPRIVATION OF LIBERTY IS A SERIOUS AND ONGOING FORM OF**  
4 **IRREPARABLE HARM**

5 Petitioner remains civilly detained. Every additional day of detention is a fresh and  
6 irreparable injury. Courts have long recognized that “[t]he loss of liberty for even minimal  
7 periods of time unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347,  
8 373 (1976).  
9

10 This case does not involve money, discovery convenience, or briefing efficiency. It  
11 involves continued physical confinement. Where liberty is at stake, extensions are disfavored,  
12 particularly where the Government has already had ample time to act.

13 **III. THE GOVERNMENT SUFFERS NO HARM FROM DENIAL OF AN EXTENSION**  
14

15 By contrast, Respondents face no prejudice whatsoever if the Court denies their  
16 extension request. Petitioner has already proposed, and the Court may order, release under  
17 conditions of supervision—precisely the posture under which Petitioner lived peacefully and  
18 compliantly for nearly five years.

19 If Respondents later identify a lawful, concrete, and procedurally valid removal  
20 pathway, they retain statutory tools to act at that time. What they do not have is the right to  
21 continue detention while they attempt to create a record retroactively.  
22

23 **IV. CHRISTMAS IS NOT A JUSTIFICATION FOR CONTINUED UNLAWFUL**  
24 **DETENTION**

25 Respondents cite “observation of Christmas” as the reason agency personnel were  
26 unavailable. That explanation underscores the problem rather than excusing it.  
27  
28

1 Petitioner has now been detained for approximately 187 days. During that time,  
2 Respondents took no documented steps to secure third-country travel documents, no  
3 documented steps to lawfully revoke supervision, and no documented steps to demonstrate that  
4 removal is significantly likely in the reasonably foreseeable future.

5  
6 The Government cannot do nothing for six months, detain a person throughout that  
7 period, and then invoke a holiday to justify scrambling for evidence only after the Court  
8 demands it. Petitioner spent Christmas detained and separated from his family, while  
9 Respondents—after months of inaction—disregarded this Court’s order and sought more time  
10 rather than complying.

#### 11 **V. RESPONDENTS’ CONDUCT IS INCOMPATIBLE WITH ZADVYDAS**

12  
13 *Zadvydas v. Davis* does not permit indefinite detention while the Government waits for  
14 an opportunity to act. It requires that detention remain tied to actual, ongoing, and realistic  
15 removal efforts.

16 The Supreme Court’s concern in *Zadvydas* was precisely this scenario: detention  
17 justified not by concrete progress, but by speculation and after-the-fact rationalization.  
18 Allowing an extension here would invert the constitutional framework—permitting the  
19 Government to detain first and search for justification later.

20 That is not what *Zadvydas* allows, and it is not what due process tolerates.

#### 21 **VI. RESPONDENTS’ REQUEST REFLECTS BAD FAITH**

22  
23 Respondents’ filing effectively concedes that no documentation was ready by the  
24 Court’s deadline, no contemporaneous record of revocation has been produced, and no evidence  
25 of third-country travel document efforts exists in the record. The request for more time is not to  
26 complete an ongoing process—it is to begin one. That is not good faith compliance with a court  
27 order, particularly where a human being’s liberty is the cost of delay.  
28

1 **VII. THE COURT SHOULD DENY THE EXTENSION AND RULE**

2 The record before the Court is the record Respondents chose to create over the last 187  
3 days. It is sufficient to resolve the pending motion. Further delay serves only to prolong  
4 unconstitutional detention.

5  
6 For these reasons, Petitioner respectfully requests that the Court deny Respondents'  
7 request for an extension and issue its written order on the pending motion without further delay.

8 DATED this 30th day of December, 2025.

9  
10 Respectfully Submitted,

11 SHAMOON ELIADES, LLP

12 /s/ Michael T. Shamoan  
13 Michael T. Shamoan, Esq.  
14 Nevada Bar. No. 15324  
15 *Attorney for Petitioner*

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**Certificate of Service**

I hereby certify that on December 30, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system. All participants in the case are registered CM/ECF users and will be served by the CM/ECF system.

s/ Michael T. Shamoon

