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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA (LAS VEGAS)**  
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11  
12 DANIEL REYES CRISTOBAL,

13 A#   
14 Petitioner-Plaintiff,

Case No. 2:25-cv-02231

**PETITIONER’S OPPOSITION TO  
FEDERAL RESPONDENTS’  
MOTION FOR EXTENSION OF  
TIME TO FILE A RESPONSE TO  
ORDER TO SHOW CAUSE AND  
MOTION FOR PRELIMINARY  
INJUNCTIVE RELIEF**

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22 v.

23 MICHAEL BERNACKE, et al.  
24 Respondents  
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1 Petitioner Daniel Reyes Cristobal (“Mr. Reyes” or “Petitioner”) respectfully opposes  
2 Federal Respondents’ motion for a four–day extension of time, from November 22, 2025 to  
3 November 26, 2025, to respond to the Court’s Order to Show Cause (“OSC”) and Petitioner’s  
4 Motion for Preliminary Injunctive Relief.

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6 This is an emergency habeas action challenging the legality of Petitioner’s ongoing civil  
7 immigration detention and seeking prompt injunctive relief in the form of a § 1226(a) bond  
8 hearing or release.

9  
10 Every additional day of delay prolongs allegedly unlawful custody, inflicts concrete harm  
11 on Mr. Reyes and his U.S. citizen children, and undermines the very purpose of the OSC and  
12 request for preliminary relief. Respondents have not shown “good cause” within the meaning of  
13 Fed. R. Civ. P. 6(b) to justify any extension, much less one that materially weakens Petitioner’s  
14 ability to obtain timely adjudication of his liberty claim.

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16 Accordingly, the motion should be denied and the existing November 22, 2025 deadline should  
17 remain in place. In the alternative, should the Court be inclined to grant any extension, Petitioner  
18 requests narrowly tailored relief as set out below.

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21 **I. PROCEDURAL AND FACTUAL BACKGROUND**

22 On November 12, 2025, Petitioner filed his Verified Petition for Writ of Habeas Corpus  
23 under 28 U.S.C. § 2241 and Complaint for Declaratory/Injunctive Relief, together with an  
24 Emergency Motion for Temporary Restraining Order and Preliminary Injunction.

25  
26 The Petition challenges DHS’s reliance on 8 U.S.C. § 1225(b)(2) and Matter of Yajure-  
27 Hurtado to foreclose Immigration Judge bond jurisdiction over Mr. Reyes, a long-time Las Vegas  
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1 resident who was arrested in the interior and is now detained at Nevada Southern Detention  
2 Center (“NSDC”) while removal proceedings under § 1229a are pending.

3 The Emergency Motion seeks, inter alia, an order requiring Respondents to provide an  
4 individualized bond hearing under § 1226(a) within seven (7) days, at which DHS must bear the  
5 burden by clear and convincing evidence, or alternatively to release Petitioner with appropriate  
6 conditions.  
7

8 The motion explains that each additional day of detention exacerbates irreparable harm to  
9 Petitioner and his U.S. citizen daughters, for whom he has served as primary caregiver, provider,  
10 and stability anchor.  
11

12 On November 18, 2025, after reviewing the initial filings, the Court issued an OSC  
13 directing Federal Respondents to show cause why the Petition and motion for preliminary  
14 injunctive relief should not be granted and to file a response on or before November 22, 2025.  
15

16 Respondents acknowledge that the OSC was received by the U.S. Attorney’s Office on  
17 November 19, 2025. Id.

18 On November 20, 2025, Respondents filed the instant motion requesting a four-day  
19 extension, to November 26, 2025, citing: (1) counsel’s previously approved urgent family-related  
20 medical leave on November 21, 2025; (2) three other habeas matters in which responses are due  
21 the same day; and (3) the need to gather and review information about Petitioner.  
22

23 Respondents do not claim any difficulty in accessing Petitioner’s detention records or  
24 immigration file, nor do they explain why another attorney in the same office cannot assume or  
25 share responsibility for the response.  
26  
27  
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1 Petitioner’s counsel declined to stipulate to an extension because of the ongoing,  
2 irreparable harm caused by further detention and the time-sensitive nature of the requested  
3 TRO/PI relief.

## 4 5 6 **II. LEGAL STANDARD**

7 Under Federal Rule of Civil Procedure 6(b)(1)(A), this Court may extend a deadline “for  
8 good cause” if the motion is filed before the original time expires. Although the Ninth Circuit has  
9 recognized that Rule 6(b) should be “liberally construed to effectuate the general purpose of  
10 seeing that cases are tried on the merits,” requests for extensions of time must still satisfy the  
11 good-cause standard and must not unduly prejudice the opposing party. See *Ahanchian v. Xenon*  
12 *Pictures, Inc.*, 624 F.3d 1253, 1258–59 (9th Cir. 2010).

14 “Good cause” is measured by the movant’s diligence; ordinary scheduling conflicts and  
15 generalized workload, without more, are insufficient—particularly where the requested extension  
16 would significantly prejudice a party’s interests. See *Johnson v. Mammoth Recreations, Inc.*, 975  
17 F.2d 604, 609 (9th Cir. 1992). In the habeas context, the Supreme Court and Ninth Circuit have  
18 long emphasized that courts must be especially attentive to delay because the petition challenges  
19 ongoing custody; time itself is part of the injury.  
20

21  
22 Where, as here, the pending motion seeks emergency injunctive relief from allegedly  
23 unlawful detention, any extension that materially postpones the government’s response—and thus  
24 the Court’s ability to adjudicate—must be scrutinized carefully and granted, if at all, only upon a  
25 concrete, compelling showing of necessity.  
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27  
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### III. RESPONDENTS HAVE NOT DEMONSTRATED GOOD CAUSE

#### A. Government Workload and Counsel's One-Day Medical Leave Do Not Justify a Four-Day Extension in an Urgent Habeas Case

Respondents' motion cites two reasons for the extension: (1) the undersigned AUSA's previously scheduled family-related medical leave on November 21, 2025; and (2) the need to prepare responses in three other habeas matters.

While Petitioner and his counsel sympathize with counsel's family circumstances, neither a single-day medical absence nor the existence of other cases constitutes "good cause" to delay adjudication of a petition that challenges ongoing civil incarceration.

First, the government is represented by the United States Attorney's Office, not by a single individual. The Office has multiple AUSAs capable of appearing in immigration-related habeas matters; Respondents make no showing that reassignment or co-counseling is impossible or even impracticable. They do not explain why another attorney cannot draft or finalize the response, particularly where similar statutory and constitutional issues have already been briefed in other § 1226(a)/§ 1225(b)(2) habeas actions pending before this Court.

Second, Respondents' reliance on their own chosen internal scheduling—consolidating multiple habeas responses for the same week—cannot itself constitute good cause to delay a detainee's liberty claim. The government has been aware of Petitioner's detention and the legal issues at stake for weeks, and it has known of the Petition and TRO/PI motion since they were filed on November 12, 2025, ten days before its current deadline.

Yet Respondents do not identify any concrete steps taken between November 12 and November 19 (when they acknowledge receipt of the OSC) to begin assembling a response. Their asserted need for more time is thus largely a product of their own case-management choices.

1 Rule 6(b) requires diligence, not simply inconvenience. Respondents' motion fails to  
2 demonstrate that they have exercised reasonable diligence or exhausted the substantial resources  
3 of their office before seeking to prolong Petitioner's detention.

4 **B. The Issues Are Primarily Legal and Already Being Litigated in Parallel Cases**

5 Respondents further assert that "additional time is necessary" to review information  
6 regarding Petitioner.

7  
8 But the Petition turns primarily on legal questions about the scope of 8 U.S.C. §§ 1226(a)  
9 and 1225(b)(2), the impact of the BIA's decision in *Matter of Yajure-Hurtado*, and the  
10 constitutionality of categorical detention without individualized bond hearings for long-time  
11 residents apprehended in the interior.

12  
13 Those same questions are already briefed in other habeas matters identified by  
14 Respondents themselves, such as *Ramirez-Contreras*, *Gallegos Rangel*, and *Quinonez Orosco*,  
15 which concern similarly situated § 1229a respondents.

16  
17 Respondents therefore cannot credibly claim that they need extra time to research novel  
18 legal issues; at most, they must apply their existing legal arguments to Petitioner's straightforward  
19 factual record—his date of entry, detention history, immigration status, family ties, and removal-  
20 proceedings posture—information entirely within the government's control.

21  
22 The government's exclusive possession of the relevant records, combined with the largely  
23 legal nature of the dispute, cuts against, not in favor of, an extension.

24 **IV. ANY EXTENSION WOULD PREJUDICE PETITIONER AND UNDERMINE THE**  
25 **COURT'S OSC**

26  
27 Even if Respondents had shown some minimal justification, the requested four-day  
28 extension would cause significant, concrete prejudice to Petitioner and his family.

1 **A. Every Additional Day Prolongs Allegedly Unlawful Detention**

2 Mr. Reyes has already been detained by ICE at NSDC for weeks following an interior  
3 arrest, without the benefit of an individualized § 1226(a) custody hearing and despite his deep  
4 community ties, long residence in Las Vegas, and strong equities supporting cancellation of  
5 removal.  
6

7 The Petition alleges that his current detention relies on an erroneous application of §  
8 1225(b)(2) and a categorical reading of Yajure-Hurtado that forecloses bond jurisdiction. *Id.*

9 In the habeas context, continued detention is itself the injury. Each additional day that Petitioner  
10 remains in custody without individualized review exacerbates the constitutional harms alleged and  
11 increases the risk of lasting psychological and economic damage to both Petitioner and his  
12 children.  
13

14 The Court recognized the need for prompt adjudication when it ordered Respondents to  
15 respond within four days of the OSC.  
16

17 Granting the requested extension would materially alter that balance and effectively delay  
18 Petitioner's opportunity to obtain the time-sensitive relief sought—a bond hearing within seven  
19 days or release under appropriate conditions.  
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21  
22 **B. The Requested Extension Harms Petitioner's U.S. Citizen Children and Family**

23 The Petition and supporting affidavits detail the profound impact of Mr. Reyes's detention  
24 on his U.S. citizen daughters, for whom he has long been the primary caregiver, transportation  
25 provider, and daily emotional anchor.  
26

27 His absence disrupts their schooling, extracurricular commitments, and mental health, and  
28 leaves the family scrambling to cover basic needs and child-care responsibilities.

1 Respondents' motion does not meaningfully weigh this prejudice. Instead, it treats Petitioner's  
2 liberty interest as subordinate to the government's internal staffing preferences. Rule 6(b) does  
3 not permit such a hierarchy—particularly not in a case where the Court has already found  
4 sufficient urgency to issue an OSC and is being asked to order a prompt bond hearing or release.  
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6  
7 **V. ALTERNATIVELY, ANY EXTENSION SHOULD BE NARROWLY TAILORED**  
8 **AND COUPLED WITH EXPEDITED RELIEF**

9 If, notwithstanding the foregoing, the Court is inclined to grant some extension, Petitioner  
10 respectfully requests that the Court:  
11

- 12 1. **Limit the extension** to the shortest period necessary (e.g., one business day), rather than  
13 the four days requested;
- 14 2. **Order Respondents to immediately produce** the core detention and immigration-court  
15 records necessary for adjudication (I-213, custody classification notes, NTA, bond-denial  
16 orders, and any ICE custody-review materials), so that the Court can proceed  
17 expeditiously once briefing is complete;
- 18 3. **Maintain the time-sensitive nature of the TRO/PI request** by setting an expedited  
19 briefing schedule for any reply and a prompt hearing date; and  
20
- 21 4. **Make clear that no further extensions will be granted** absent truly extraordinary  
22 circumstances.  
23

24 Such conditions would partially mitigate, but not eliminate, the prejudice otherwise caused by the  
25 requested delay.  
26

27 **VI. CONCLUSION**  
28

1 Respondents have not carried their burden to show “good cause” for a four-day extension in this  
2 urgent habeas action. Their motion rests on ordinary workload concerns and a single day of  
3 anticipated medical leave—circumstances that a well-resourced federal agency can and should  
4 accommodate without postponing a detained noncitizen’s day in court.

5  
6 Because each day of delay prolongs allegedly unlawful detention and compounds the irreparable  
7 harm to Mr. Reyes and his U.S. citizen children, Petitioner respectfully requests that the Court:

- 8 1. **Deny** Federal Respondents’ Motion for Extension of Time;
- 9 2. **Maintain** the November 22, 2025 deadline for Respondents’ response to the OSC and  
10 Motion for Preliminary Injunctive Relief; and
- 11 3. **Proceed promptly** to consider the merits of Petitioner’s request for a § 1226(a) bond  
12 hearing within seven days or, alternatively, his immediate release subject to appropriate  
13 conditions.  
14

15  
16 Respectfully submitted,

17  
18  /s/ Jon Eric Garde, Esq.

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