

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LEOBARDO OVIEDO OLGUIN,

Petitioner,

v.

Case No. 25-CV-1822

DALE J. SCHMIDT, Sheriff, Dodge County
Detention Facility; SAM OLSON, Deputy Field
Office Director, Chicago Field Office,
Immigration and Customs Enforcement; KRISTI
NOEM, Secretary, Department of Homeland
Security; TODD LYONS, Acting Director,
Immigration and Customs Enforcement; and
PAMELA BONDI, Attorney General, U.S.
Department of Justice,

Respondents.

**RESPONDENTS' CIVIL L.R. 7(h) EXPEDITED NON-DISPOSITIVE MOTION FOR ORDER
CLARIFYING RESPONDENTS' DEADLINE TO RESPOND TO PETITIONER'S PETITION AND MOTION
FOR A TEMPORARY RESTRAINING ORDER**

Pursuant to Civil Local Rule 7(h), Respondents respectfully move the Court for an order clarifying that their time to file their response to Petitioner's habeas petition and motion for a temporary injunction runs through and includes Friday, November 28, 2025. In support of this motion, Respondents state as follow:

1. Petitioner filed this habeas action on Tuesday, November 18, 2025. (Petition, Dkt. 1.)
2. The following day, Wednesday, November 19, 2025, Petitioner also filed a motion for a temporary restraining order, asking the Court to enjoin Respondents from removing Petitioner to any third country without first providing him with certain administrative procedures. (TRO Motion, Dkt. 2.)

3. The Court issued a Rule 4 screening order on Wednesday, November 19, 2025, directing the Clerk of Court to “promptly serve a copy of the petition and [the Court’s] order” on Respondent Sam Olson and the United States Attorney for the Eastern District of Wisconsin, and directing Respondents to respond to the petition and the motion for a temporary restraining order “within three (3) days of service.” (Order, Dkt. 3.)
4. The Clerk of Court’s office provided the Office of the United States Attorney for the Eastern District of Wisconsin with electronic copies of the petition, the motion for a temporary restraining order, and the Court’s Rule 4 screening order on Thursday, November 20, 2025, indicating that it had effectuated mail service on the Office of the United States Attorney that day.
5. Under Federal Rule of Civil Procedure 6(d), where service is effectuated by mail under Federal Rule of Civil Procedure 5(b)(2)(C), three days are added after the period would otherwise expire under Rule 6(a). Thus, under Federal Rule of Civil Procedure 6, Respondents have calculated the Court’s deadline for their response as Friday, November 28, 2025 (given that Thursday, November 27, 2025, is a federal holiday not counted under Federal Rule of Civil Procedure 6(a)(1)(C) & (a)(6)(A)).
6. For the avoidance of doubt, however, Respondents respectfully request that the Court issue an order confirming that they shall have until and through Friday, November 28, 2025, to submit their response to the petition and to Petitioner’s motion for a temporary restraining order.
7. While the undersigned counsel for Respondents has been diligently preparing their response since first being alerted to this matter, assigned counsel with United States Immigration and Customs Enforcement has not yet had an opportunity to review

Respondents' draft papers due to funeral ceremonies being held for a recently deceased family member.

8. Documentation received by the undersigned counsel from agents with United States Immigration and Customs Enforcement indicates that Petitioner has not been scheduled for an imminent removal from the United States before November 28, 2025. Pursuant to standard policy, United States Immigration and Customs Enforcement will first inform an alien of a country of removal before removing such alien. No such notice has been provided to Petitioner as of the date of this motion.

WHEREFORE, Respondents respectfully request that the Court issue an order clarifying that Respondents' time to file their response to Petitioner's habeas petition and motion for a temporary injunction runs through and includes Friday, November 28, 2025.

Respectfully submitted this 24th day of November, 2025.

BRAD D. SCHIMEL
United States Attorney

By: /s/ Aaron R. Wegrzyn

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