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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA (LAS VEGAS)**
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12 JOSE GABRIEL HERNANDEZ

Case No. 2:25-cv-02312-RFB-NJK

13 ISIDORO,

14 A# 

15 Petitioner-Plaintiff,

**PETITIONER'S OPPOSITION TO
FEDERAL RESPONDENTS'
MOTION FOR EXTENSION OF
TIME (ECF No. 6)**

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19 v.

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21 Michael V. Bernacke, Field Office

22 Director, U.S. Immigration and Customs

23 Enforcement;

24 John Mattos, Warden, Nevada Southern

25 Detention Center;

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27 Kristi Noem, Secretary, U.S. Department
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1 of Homeland Security;
2 Rodney S. Scott, Commissioner, U.S.
3 Customs and Border Protection; and
4 Pam Bondi, Attorney General of the
5 United States,
6 Respondents–Defendants.
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9 Petitioner, through undersigned counsel, respectfully opposes Federal Respondents’ Motion for
10 Extension of Time to file a response to the Court’s Order to Show Cause.
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12 **1. The liberty interest and new legal development demand expedited, not delayed,**
13 **review.**

14 On November 25, 2025, the United States District Court for the Central District of
15 California issued an order in *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr. et*
16 *al.*, certifying a nationwide “Bond Eligible Class” and holding that noncitizens who (1)
17 entered without inspection, (2) were not apprehended at the border, and (3) are not
18 detained under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231 are detained pursuant to 8
19 U.S.C. § 1226(a) and are entitled to individualized custody determinations, not mandatory
20 detention. Petitioner alleges that he falls squarely within this class. Each additional day of
21 detention without a bond hearing now occurs in the shadow of a federal court order
22 declaring such no-hearing detention unlawful for class members. That reality heightens,
23 rather than diminishes, the urgency of this Court’s review.
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27 **2. Respondents have not shown excusable neglect or good cause for further delay.**

28 The Court ordered Respondents to “show cause” and file a return certifying the true cause

1 of detention “on or before November 24, 2025.” Respondents acknowledge that the
2 deadline had already expired by the time they claim to have “received” the Petition,
3 Motion, and Order, yet they offer no explanation for why these filings were not timely
4 routed or why Petitioner should bear the consequences of that internal failure.

5 Routine workload and general references to other cases do not constitute good cause,
6 much less excusable neglect, where a noncitizen’s physical liberty is at stake and the Court
7 has already found an emergency sufficient to issue an Order to Show Cause.
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9 **3. Petitioner will suffer concrete prejudice; Respondents will not.**

10 Every additional day of detention without a bond hearing is irreparable harm to Petitioner,
11 particularly in light of *Bautista*, which confirms that he is entitled to a custody
12 determination under § 1226(a). By contrast, Respondents already possess all records and
13 information concerning Petitioner’s detention. Their asserted need for more time to
14 “gather and review” what they themselves created cannot outweigh Petitioner’s liberty
15 interest and the Court’s obligation to promptly determine the legality of his detention.
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18 **Conclusion**

19 For the foregoing reasons, Petitioner respectfully requests that the Court **deny** Federal
20 Respondents’ Motion for Extension of Time. In the alternative, should the Court be inclined to
21 grant any extension, Petitioner requests that the Court (1) limit any extension to the shortest
22 possible period, and (2) maintain Petitioner’s request for emergency relief on its current expedited
23 footing, including prompt consideration of his entitlement to immediate release or a bond hearing
24 consistent with 8 U.S.C. § 1226(a) and *Bautista*.
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28 Dated: 11/25/2025 at Las Vegas

/s/ Jon Eric Garde, Esq.

Jon Eric Garde, Esq. Counsel for Petitioner

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