

1 Rene L. Valladares
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 *Margaret Lambrose
5 Assistant Federal Public Defender
6 Nevada State Bar No. 11626
7 411 E. Bonneville Ave., Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577
10 Maggie_Lambrose@fd.org

11 *Attorney for Petitioner Penapu Nena Mudung

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 Penapu Nena Mudung

15 Petitioner,

16 v.

17 John Mattos, NSDC Warden; Michael
18 Bernacke, Field Director, Salt Lake City
19 Field Office of ICE ERO; Todd Lyons, ICE
20 Acting Director; Kristi Noem DHS
21 Secretary; Pam Bondi, U.S. Attorney
22 General

23 Respondents.

Case No. 2:25-cv-02345-CDS-MDC

**Petitioner’s Motion to Grant
Amended Petition (ECF No. 8) as
Unopposed, or in the Alternative,
for a Status Check to Address the
Government’s Failure to Respond**

24 POINTS AND AUTHORITIES

25 Petitioner Penapu Mudung respectfully requests that this Court grant his
26 Amended Petition for Writ of Habeas Corpus, (ECF No. 8), under 28 U.S.C. § 2241,
27 or, in the alternative, order a status check to address Respondents’ failure to
respond by the court-imposed deadline of January 7, 2026. (ECF No. 13.)

Respondents’ response to the Amended Petition was originally due on
December 25, 2025. (ECF No. 12.) Because Respondents’ counsel had prearranged
holiday travel, undersigned counsel agreed to a thirteen-day extension of time. (Id.)
In seeking that extension, Respondents represented to this Court that “Federal

1 Respondents and [government] counsel have been working diligently to draft the
2 pertinent responsive pleading.” (Id. at 2.) This Court granted the requested
3 extension and expressly ordered that Respondents’ response “*must* be filed on
4 January 7, 2026.” (ECF No. 13 (emphasis added).)

5 Respondents failed to comply with this Court’s order. When no response was
6 filed by the January 7 deadline, Petitioner filed a notice of Respondents’ non-
7 opposition on January 8, 2026, urging this Court to grant the Amended Petition
8 based on Respondents’ failure to comply with both this Court’s order and the Local
9 Rules. (ECF No. 14.) Local Rule 7-2(d) provides that “[t]he failure of an opposing
10 party to file points and authorities in response to any motion, except a motion under
11 Fed. R. Civ. P. 56 or a motion for attorney’s fees, constitutes a consent to the
12 granting of the motion.”

13 As of January 26, 2026—19 days after the filing deadline—Respondents still
14 have not filed a response to the Amended Petition and have not sought additional
15 time to do so. In light of Respondents’ continued failure to respond, Petitioner
16 respectfully requests that this Court grant the Amended Petition and order Mr.
17 Mudung’s immediate release from custody. In the alternative, Petitioner requests
18 that this Court order a status check at its earliest convenience to address
19 Respondents’ failure to respond to the amended petition.

20 Dated January 26, 2026.

21 Respectfully submitted,

22 Rene L. Valladares
23 Federal Public Defender

24 /s/ Margaret Lambrose

25 Margaret Lambrose
26 Assistant Federal Public Defender
27

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed on January 26, 2026. I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third-party commercial carrier for delivery within three calendar days, to the following person:

John Mattos, Warden
Nevada Southern Detention Center
2190 E Mesquite Avenue
Pahrump, NV 89048

/s/ Mayra Castillo

An Employee of the
Federal Public Defender

