

Rene L. Valladares
Federal Public Defender
Nevada State Bar No. 11479
*Amelia L. Bizzaro
Assistant Federal Public Defender
Wisconsin State Bar No. 1045709
411 E. Bonneville Ave., Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577
Amelia_Bizzaro@fd.org

*Attorneys for Petitioner Hoang Tran

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Hoang Tran,

Petitioner,

v.

The United States of America, *et al.*,

Respondents.

Case No. 2:25-cv-02397-APG-DJA

**Opposition to respondents' motion
for extension of time (ECF No. 14)**

BACKGROUND

Hoang Tran is being detained pending the government's purported efforts to deport him to Vietnam, where he was born over 50 years ago. He left that country as a child in 1979, and has lived in the United States for over 40 years. His original order of removal was in 2001. ECF No. 4. Vietnam, however, would not issue him travel documents then. There is little reason to believe they will do so now.

Counting prior periods of detention, as this Court has properly done in other cases, Mr. Tran's post-removal period of detention now exceeds six months, a period beyond that which the Supreme Court has found to be presumptively reasonable. See *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001), *Shadala v. Mattos*, 2025 WL

3568234, at * 6 (D. Nev. Dec. 14, 2025) (considering the “full amount of time that Petitioner has spent in immigration detention since he was ordered removed” because “[o]therwise, the government could simply circumvent the INA by releasing and re-detaining citizens such that they never reach six months of continuous detention”). Mr. Tran’s continued indefinite detention is unconstitutional as it is not reasonably foreseeable that he will be deported. On information and belief, it is also not reasonably foreseeable that he will be deported to a third country.

Mr. Tran should be entitled to relief, and the Court has properly set this case on an expedited schedule, directing the government to respond to Mr. Tran’s petition by January 20, 2026. Undersigned counsel agreed to a three-day extension until January 23, 2026, in light of the holiday. *See* ECF No. 13. At 4:25 p.m. on January 23, 2026, Respondent’s counsel emailed undersigned counsel about another extension. It filed its motion to extend less than an hour later at 5:04 p.m. The government now seeks a six-day extension, but it has failed to show good cause for this extension, which will prejudice Mr. Tran. Mr. Tran opposes any additional extension.

ARGUMENT

A request to extend unexpired deadlines may be granted upon a showing of good cause by the moving party. Fed. R. Civ. P. 6(b)(1)(A). “The good cause analysis turns on whether the subject deadlines cannot reasonably be met despite the exercise of diligence.” *Williams v. James River Grp. Inc.*, 627 F. Supp. 3d 1172, 1177–78 (D. Nev. 2022) citing *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). Where diligence has not been shown, “the inquiry should end.” *Johnson*, 975 F.2d at 609.

The government doesn’t even attempt to demonstrate diligence. Rather, it says only it needs more time because it’s “still in the process of reviewing and gathering information on” Mr. Tran. ECF No. 14 at 2. This very general and vague

representation does not clarify what information it sought or needed, when it first sought it, whether or not it was received, when it might be received, or why it is necessary to adequately respond to Mr. Tran's petition. To the extent government counsel is suggesting the agencies with the information it requested are not promptly providing necessary information, this would demonstrate a lack of diligence that is properly imputed to the government, notwithstanding counsel's individual efforts. In any event, Respondents vague reasons for needing more time do not demonstrate good cause. This Court recently found as much in *Alkarori v. Nevada Southern Detention Center, et al.*, ECF No. 11 (Case No. 2:25-cv-02567-MMD-MDC) (Jan. 6, 2026) There, it said: "Moreover, Respondents' generalized statement that counsel is still awaiting unspecified 'needed documents' from the Department of Homeland Security is too vague to qualify as good cause." This Court should make the same finding here.

Government counsel also represents that there are many new habeas corpus immigration cases and that her office is understaffed. ECF No. 14 at 3. But this is the government's own fault. The press of immigration cases in this Court is the direct result of a recent policy to aggressively seek detention of persons like Mr. Tran: persons who have lived in the country for decades with removal orders because the government knows there is no real prospect of deporting them. If the government is now going to seek to deprive such persons of their freedom, it should be ready with sufficient staff and resources so that their legal challenges may be expeditiously resolved.

A response to Mr. Tran's petition should not take long—the government has already litigated many cases in this Court involving similarly situated petitioners and the arguments should be familiar. These cases can and should be prioritized and responded to as contemplated in this Court's order.

Mr. Tran will be prejudiced by the requested extension, which will prolong his detention. The current mass detention of persons by Immigrations and Customs Enforcement (ICE) raises serious concerns about the government's ability to provide adequate health care: 32 people died in ICE custody in 2025, an almost three-fold increase over 2024.¹

The requested extension should be denied. Given the timing of the government's motion, it will automatically receive an extension no matter how this Court rules. Accordingly, this Court should not permit the government to file any later than January 26, 2026, and in any event should direct no further extensions will be granted absent compelling circumstances.

Dated January 24, 2026.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Amelia L. Bizzaro

Amelia L. Bizzaro
Assistant Federal Public Defender

¹ <https://www.theguardian.com/us-news/ng-interactive/2026/jan/04/ice-2025-deaths-timeline>