

T. Laura Lui, NV Bar #: 5535  
Fillmore Spencer LLC  
5902 Simons Dr  
Reno, NV 89523  
Tel: (435) 429-1096  
Email: [llui@fslaw.com](mailto:llui@fslaw.com)  
*Pro-hac Vice Counsel*

Matthew K. Toyn, UT Bar #: 15271  
Prospera Legal, PC  
2975 W Executive Pkwy, Suite 159  
Lehi, UT 84043  
Telephone: (801) 733-1114  
Email: [mtoyn@prosperalegal.com](mailto:mtoyn@prosperalegal.com)  
*Attorney for Petitioner*

---

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

---

**FLORENCIO PADILLA PEREZ,**

Petitioner,

v.

**KRISTI NOEM, in her official capacity as Secretary  
of the Department of Homeland Security (DHS);**

**TODD LYONS; in his official capacity as Acting  
Director of Immigration and Customs Enforcement  
(ICE);**

**FIELD OFFICE DIRECTOR, for Immigration and  
Customs Enforcement (ICE) for Southern Nevada;**

**JOHN MATTOS, in his official capacity as Warden  
of the Nevada Southern Detention Center;**

**PAMALA BONDI, in her official capacity as the  
United States Attorney General;**

**The Executive office for Immigration Review;**

**United States Immigration and Customs  
Enforcement (ICE).**

Respondents.

**PETITIONER'S OPPOSITION TO  
RESPONDENT'S MOTION TO EXTEND  
TIME TO FILE A RESPONSE TO ORDER  
TO SHOW CAUSE**

**CASE NO: 2:25-cv-02399-CDS-DJA**

---

Petitioner Florencio Padilla Perez ("Petitioner"), by and through undersigned counsel, respectfully

submits Petitioner's Opposition to Respondent's First Motion to Extend Time to File a Response to Order to Show Cause (ECF No. 5), dated December 09, 2025.

The Court's Order states: "Thus, Respondents are ORDERED TO SHOW CAUSE why the Writ should not be granted. *See* 28 U.S.C. § 2243. Respondents shall file, in writing, **within three days**, a (i) notice of appearance **and** (ii) **"a return certifying the true cause of detention" on or before December 12, 2025**. *See id.* Petitioner may file a traverse on or before December 16, 2025". The Order also expressly noted that "[t]he Court has reviewed the Petition and finds Petitioner likely can demonstrate that his circumstances warrant the same relief as this Court ordered for Petitioner Escobar-Salgado in Escobar Salgado v. Mattos, No. 2:25-CV-01872-RFB-EJY, 2025 WL 3205356 (D. Nev. Nov. 17, 2025)". Again, the Court issued its directive pursuant to 28 U.S.C. § 2243, which mandates that a respondent "shall make a return certifying the true cause of detention within three days unless for **good cause** additional time is allowed." *See Id.* The statute reflects the **fundamental requirement that habeas review be swift, especially where a petitioner's liberty is at stake.**

Respondents are now seeking this honorable Court's blessing to prolong Petitioner's unlawful detention and further deny him liberty by requesting a week-long extension based solely on internal workload and staffing limitations within the U.S. Attorney's Office. Such reasons cannot constitute good cause under § 2243 or under the Court's Order.

All documents required to make a return—the I-213, I-862, and I-216 charging documents filed by Respondents in Petitioner's case and attached hereto, respectively as Exhibit A; Exhibit B; & Exhibit C—are already in the Respondent's possession. Respondents therefore require no investigation, discovery, or factual development to comply with the Court's directive. Thus, Respondents should be readily able to answer the true cause of detention of Petitioners beyond an erroneous and illegal reading of the mandatory detention regulations. Once again, the information requested from Respondents pursuant to the Order is not complicated and does not require additional time.

Respondents argue that they have recently received “seven other habeas petitions” and that the defensive division is “severely understaffed.” Even if true, such administrative concerns cannot override a detainee’s constitutional liberty interest. Courts have consistently warned the United States Attorney’s office that staffing shortages, excessive workloads and bureaucratic inconvenience “cannot provide compelling justification” for delays. *See, e.g., United States v. Bell*, 1993 WL 95368, (N.D.Ill.1993); *United States v. Anagnostou*, 974 F.2d 939, 943 (7th Cir.1992). Therefore, the Government’s staffing problems here cannot justify prolonging a detention that is already the result of the Government’s own unlawful and bad-faith litigation conduct.

Moreover, Respondent’s Motion provides no explanation of any steps taken since December 9, no description of what information is supposedly outstanding, and no reason why the required documents—already in Respondents’ possession—could not be filed by the Court-ordered deadline. Instead, Respondent’s wait until the 11th-hour to request additional time from the Court where arguably none is actually needed.

In contrast, **Petitioner continues to suffer irreparable harm.** His detention continues to separate him from his five U.S.-citizen children and his wife, deprives him of the benefit of two immigration court rulings in his favor, and prolongs a confinement found by the IJ to be unnecessary for public safety or appearance purposes. Every additional day in custody inflicts constitutional injury that cannot be remedied after the fact. The balance of equities therefore weighs overwhelmingly in favor of denying the extension.

Respondents have not—and cannot—show good cause for delay. Section 2243 requires expeditious adjudication precisely because delayed habeas review defeats the purpose of the writ. Again, Petitioner continues to be illegally detained in the Nevada Southern Detention Center while Respondents are on a fishing expedition to find evidence that simply is not there. Therefore, the Court should enforce its deadline and require Respondents to comply immediately.

For these reasons, Petitioner respectfully requests that the Court deny Respondents' First Motion for Extension of Time and hold Respondents to the return deadline established in the Court's Order to Show Cause.

RESPECTFULLY SUBMITTED this 12th day of December 2025.

/s/ T. Laura Lui

T. Laura Lui, NV Bar #: 5535  
Pro Hac Vice Counsel  
Fillmore Spencer LLC  
5902 Simons Dr  
Reno, NV 89523

/s/ Matthew K. Toyn

Matthew K. Ton, UT Bar #: 15271  
Attorney for Petitioner  
Prospera Legal, PC  
2975 W Executive Pkwy, Suite 159  
Lehi, Utah 84043