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9  
 10 **UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA (Las Vegas)**

11 JOSE ALBERTO GONZALEZ  
 HERNANDEZ, ALFONSO MARIO RIOS  
 12 RIOS, and LIDIO LOPEZ LOPEZ

Case No.: 2:25-cv-02486-RFB-NJK

13 *Petitioners,*

14 v.

**OPPOSITION TO RESPONDENTS'  
 SECOND MOTION FOR EXTENSION  
 OF TIME TO FILE RESPONSE TO  
 ORDER TO SHOW CAUSE (ECF No. 11)**

15 KRISTI NOEM, Security, U.S. Department of  
 Homeland Security, in her official capacity;  
 U.S. DEPARTMENT OF HOMELAND  
 16 SECURITY; PAMELA J. BONDI, Attorney  
 General of the United States, in her official  
 17 capacity; U.S. DEPARTMENT OF JUSTICE;  
 TODD LYONS, Acting Director and Senior  
 18 Official Performing the Duties of the Director  
 for U.S. Immigration and Customs  
 Enforcement, in his official capacity; BRIAN  
 19 HENKEY, Acting Field Office Director, Salt  
 20 Lake City Field Office Director, in his official  
 capacity; U.S. IMMIGRATION AND  
 21 CUSTOMS ENFORCEMENT; and JOHN  
 MATTOS, Warden, Nevada Southern  
 22 Detention Facility, in his official capacity.

23 *Respondents.*

## INTRODUCTION

1  
2 Petitioners entered the U.S. decades ago without inspection and have established lives  
3 with families in their respective communities. But in October and November 2025, Immigration  
4 and Custom Enforcement (ICE) officials arrested them and held them without bond under the  
5 policy upon which *Matter of Yajure Hurtado* is based—that those who entered the U.S. without  
6 inspection, even if not apprehended at the time of entry, are applicants for admission and thus  
7 subject to mandatory detention. In November and December 2025, Immigration Judges found  
8 Petitioners suitable for release on low cash bonds but denied bond due to the jurisdictional  
9 stripping holding in *Matter of Yajure Hurtado*. The Department of Homeland Security (DHS)  
10 did not object to the Immigration Judges’ findings regarding Petitioners’ lack of dangerousness  
11 or flight risk, and did not reserve appeal after the Immigration Judges entered alternative orders.  
12 DHS’ silence at Petitioners’ bond hearings indicates it, too, believes that if not for *Matter of*  
13 *Yajure Hurtado*, Petitioners would be eligible for release without opposition by the very agency  
14 detaining them.

15 Petitioners have demonstrated a prima facie case for relief and Respondents, despite an  
16 extension of time to comply with the Court’s Order to Show Cause, have not alleged or indicated  
17 any new colorable argument to refute it. Respondents have likewise failed to demonstrate an  
18 expectational circumstance warranting a second extension of time, failed to demonstrate  
19 diligence in meeting this Court’s extended deadline, and failed to explain how a further  
20 extension—amounting to only two business days—would assist with their future compliance.  
21 Respondents have additionally failed to establish how a second extension of time would not  
22 prejudice Petitioners. Considering Immigration Judges have already determined that continued  
23 detention would be unnecessary but for *Matter of Yajure Hurtado*, mounting delay in addressing

1 Petitioners' claims of unlawful detention will only compound the prejudice they have suffered.  
2 Accordingly, Petitioners respectfully request this Court deny Respondents' second motion for  
3 extension of time and enter an order for their immediate release under the conditions imposed by  
4 the Immigration Judges' alternative bond orders.

### 5 ARGUMENT

6 A request to extend unexpired deadlines may be granted upon a showing of good cause  
7 by the moving party. Fed. R. Civ. P. 6(b)(1)(A). "The good cause analysis turns on whether the  
8 subject deadlines cannot reasonably be met despite the exercise of diligence." *Williams v. James*  
9 *River Grp. Inc.*, 627 F. Supp. 3d 1172, 1177–78 (D. Nev. 2022) (citing *Johnson v. Mammoth*  
10 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). Timely requests for extensions "should  
11 normally be granted in the absence of bad faith or prejudice to the adverse party." *Ananchian v.*  
12 *Xenon Pictures, Inc.*, 624 F.3d 1253, 1258–59 (9th Cir. 2010) (internal citations omitted). But  
13 where diligence has not been shown, "the inquiry should end." *Johnson*, 975 F.2d at 609.

14 While the FRCP require a showing of good cause, this Court ordered no further  
15 extensions would be granted "absent a showing of exceptional circumstance." ECF No. 9. Here,  
16 Respondents have not shown good cause, let alone an exceptional circumstance, have not shown  
17 diligence, and have failed to show Petitioners would not suffer prejudice.

18 First, Respondents have failed to show that an additional extension would not prejudice  
19 Petitioners. *Ananchian*, 624 F.3d at 1258–59. Indeed, Respondents did not discuss prejudice to  
20 Petitioners in either request for an extension of time. *See* ECF No. 8. Petitioners have been  
21 detained between 50 and 71 days and the Immigration Court has found their continued detention  
22 is not necessary, but for *Matter of Yajure Hurtado*. Petitioners are the primary providers in their  
23 respective households and their families are suffering. ECF No. 1 at 28, 53, 70, 71–72. Though

1 the Immigration Judges granted alternative bonds, they remain detained on expedited dockets,  
2 with the resolutions of their removal cases imminent. ECF No. 1 at 42–43, 64–65, 88–89. The  
3 longer Petitioners remain detained, the more likely they will be ordered deported without ample  
4 opportunity and access to resources to challenge their removal. The prejudice Petitioners face by  
5 Respondents’ delay in responding to this Court’s order to show cause why it should not order the  
6 immediate release of Petitioners increases each day they remain in detention. Respondents have  
7 not and cannot show their request for additional time will not prejudice Petitioners, therefore,  
8 their Motion should not be granted in normal course.

9       Second, of the three grounds raised as a basis for a second extension of time,  
10 Respondents bring only one new ground not previously asserted—Respondents’ Counsel has  
11 fallen ill. ECF. No. 11 While the undersigned sympathize with Counsel, Respondents have not  
12 shown diligence in complying with the Court’s December 15th order. In the first Motion for  
13 Extension of Time, Respondents requested six additional days to comply with the Order to Show  
14 Cause, for a total of nine days since the Court’s initial order. ECF No. 8. Respondents requested  
15 the additional time to allow it to obtain records from the agencies and draft its response. ECF  
16 No. 8 at 2. In its second request for an additional six days of time, Respondents fail to inform  
17 the Court the actions they took since the last request. ECF No. 11 at 3. And Respondents do not  
18 advise how an additional six days, which include only two business days, will provide them with  
19 sufficient time to comply with this Court’s order, or otherwise assure this Court that granting the  
20 instant extension will obviate the need for additional time in the future. *See* ECF No. 11 at 1–4.

21       Third, this Court specifically ordered Respondents to indicate if they “have no new  
22 arguments to offer that have not already been addressed by this Court[.]” ECF No. 6. But  
23 neither Motion indicates Respondents need more time to allege *new* arguments. *See id.* Instead,

1 Respondents simply state more time is needed to “verify the accuracy of Petitioner’s [sic]  
2 claims[.]” *Id.* at 3. Petitioners included documents produced by Respondents themselves,  
3 including their respective Notices to Appear and orders granting bond in the alternative. *See*  
4 ECF No. 1 at 37–43, 48–49, 55–57, 59–62, 64–65, 67–68, 88–89. Importantly, the Immigration  
5 Judges in each of Petitioners’ bond cases found Petitioners are neither a danger nor a flight risk  
6 and if not for *Matter of Yajure Hurtado*, the Immigration Judges would grant low cash bonds.<sup>1</sup>  
7 ECF No. 1 at 42–43, 45–49, 64–65, 88–89. And in none of Petitioners’ bond hearings did the  
8 Department of Homeland Security (DHS) object to the Immigration Judges’ findings regarding  
9 dangerousness or flight risk, or to the Immigration Judges’ alternative bond grants. *See* ECF No.  
10 1 at 42–43, 45–49, 64–65, 88–89. Thus, it is unclear what claims Respondents must now  
11 verify—DHS’ waiver of appeal in each case suggests it did not dispute the accuracy of the  
12 Immigration Judges’ finding that Petitioners’ continued detention was unwarranted.

### 13 CONCLUSION

14 Respondents have not presented an exceptional circumstance warranting another  
15 extension of time to comply with this Court’s order to show cause. This case involves matters  
16 pertaining to Petitioners’ liberty interests, who have been detained for 66 days, 71 days, and 50  
17 days, respectively, and who have each been found fit for release but for *Matter of Yajure*  
18 *Hurtado*. Instead Petitioners remain helplessly in detention—during the holiday season away  
19 from their families—eagerly awaiting Respondents’ compliance with this Court’s December  
20 15th Order. The undersigned appreciates Counsel’s workload, health, and need to obtain

21 \_\_\_\_\_  
22 <sup>1</sup> On December 18, 2025, the U.S. District Court for the Central District of California entered  
23 Final Judgment in the nationwide class action *Maldonado-Bautista v. Santacruz*, 5:25-cv-01873-  
SSS-BFM (C.D. Cal. Dec. 18, 2025). The *Maldonado-Bautista* court declared the policy upon  
which *Matter of Yajure Hurtado* is based, and for which Petitioners remain detained, unlawful.  
Petitioners will file a Notice of Supplemental Authority to formally notice the Court.

1 information from Respondents, however, Respondents initiated Petitioners' detention after  
2 targeted enforcement operations several weeks ago. Any documents required by Counsel have  
3 long been in Respondents' possession and should be readily accessible, if those documents are  
4 not already included in Petitioners' initial filings. Further, the Department of Justice surely has  
5 resources available to respond to this Court's Order in a timely manner.

6 This Court explicitly directed Respondents to indicate if they had no new argument to  
7 offer that had not already been addressed by the Court. In two pleadings spanning nine days,  
8 Respondents did not indicate their extensions were due to new argument. Respondents instead  
9 have requested time to gather documents and review Petitioners' claims. But this does not  
10 amount to an exceptional circumstance justifying further delay in Petitioners' proceedings.  
11 Respondents have also failed to show that a second extension would not prejudice Petitioners.  
12 According, Petitioners respectfully request the Court deny Respondents' request and grant their  
13 request for preliminary injunction releasing them pursuant to the alternative bond orders entered  
14 by the Immigration Judges.

15 DATED this 24th day of December, 2025. Respectfully Submitted,

16  
17 /s/ Melissa Corral

18 Melissa Corral  
Nevada Bar. No. 14182

19 /s/ Alissa A. Cooley Yonesawa

20 Alissa A. Cooley Yonesawa  
Nevada Bar. No. 13467

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