

1 **DAVID E. WALTERS**  
2 **STATE OF NEVADA BAR NO.: 7203**  
3 **LAW OFFICE OF DAVID E. WALTERS**  
4 **4060 E. RUSSELL RD., STE. 100**  
5 **LAS VEGAS, NV 89120**  
6 **702-405-6666**  
7 **ATTORNEY FOR PETITIONER**

8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 **OSCAR DAVID ALAS GARCIA,**  
12  
13 **Plaintiff,**

**Case No.: 2:25-cv-02580**

14 **vs.**

15 **PETITIONER’S RESPONSE TO**  
16 **FEDERAL RESPONDENT’S**  
17 **STATUS REPORT**

18 **JOHN MATTOS, Warden, Nevada**  
19 **Southern Detention Center;**  
20 **MICHAEL BERNACKE, Field Office**  
21 **Director, U.S. Immigration and Customs**  
22 **Enforcement,**  
23 **PAMELA BONDI, Attorney General of**  
24 **the United States; and**  
25 **KRISTI NOEM, Secretary of Homeland**  
26 **Security, in their official capacities,**

27 **Defendant**

28 **PETITIONER’S RESPONSE TO FEDERAL RESPONDENT’S STATUS**  
**REPORT**

Petitioner Oscar David Alas Garcia, by and through his counsel of record,  
hereby submits this Response to Federal Respondents’ Status Report (ECF No. 18)

1 to correct material misrepresentations regarding the procedural history of Petitioner's  
2 bond proceedings.

3 **I. CORRECTION OF THE RECORD**

4 In their Status Report, Federal Respondents assert that "Petitioner's Counsel  
5 moved to continue the scheduled January 15, 2026 bond hearing to January 22,  
6 2026," and that this action "resulted in no bond hearing being held for Petitioner by  
7 January 16, 2026".

8 This characterization is factually incorrect and misleading for the following  
9 reasons:

10 **1. The Immigration Court Continued Proceedings on Its Own Initiative**

11 Contrary to the Federal Respondents' assertions, undersigned counsel did not  
12 move to continue the January 15, 2026 hearing. The Immigration Court continued  
13 the proceedings *sua sponte* (on its own initiative). Undersigned counsel was not on  
14 retainer for the bond hearing and did not make an appearance or a request for  
15 continuance in the Immigration Court regarding that specific hearing.

16 **2. Government's Own Exhibits Prove Counsel Was Not Noticed**

17 The documents attached to the Federal Respondents' Status Report confirm that  
18 the Immigration Court was communicating directly with the Petitioner and not with  
19 undersigned counsel, further evidencing that the continuance did not originate from  
20 the undersigned.

21 **a. Exhibit A (January 15 Hearing Notice):** The Notice of Custody  
22 Redetermination Hearing is addressed solely to "ALAS-GARCIA,  
23 OSCAR DAVID" in "ICE CUSTODY PAHRUMP". The Certificate of  
24 Service indicates service was made only to "ALIEN c/o Custodial  
25  
26  
27  
28

1 Officer" and "DHS". The section for "ALIEN'S ATT/REP" is  
2 unchecked, confirming no attorney was noticed.

3 **b. Exhibit B (January 22 Hearing Notice):** Similarly, the rescheduled  
4 hearing notice regarding the January 22 date is addressed only to the  
5 Petitioner. The Certificate of Service again reflects service only to  
6 "ALIEN c/o Custodial Officer" and "DHS," with no service upon legal  
7 counsel.  
8

9 Had undersigned counsel moved for the continuance as Respondents claim, the  
10 Immigration Court's notices would have been directed to counsel. They were not.  
11

### 12 CONCLUSION

13 The Federal Respondents' attempt to attribute the delay in the bond hearing  
14 to undersigned counsel is unsupported by the record. The Exhibits provided by the  
15 Government clearly show that the Immigration Court acted on its own initiative and  
16 noticed the Petitioner directly. It is misleading to suggest that undersigned counsel  
17 "moved to continue" a hearing for which they were neither retained nor noticed.

18 While Petitioner acknowledges he was released from custody on January 20,  
19 2026, it is imperative that the record accurately reflect that undersigned counsel did  
20 not engage in dilatory tactics or cause the delay of the January 15 custody hearing.  
21

22 Respectfully submitted,  
23

24 Date: January 22, 2026

25 **/s: David E. Walters, Esq.**

26 David E. Walters

27 Attorney for Petitioner  
28

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7 **ATTORNEY FOR PETITIONER**

8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 **YAKY HOWARD MEJIA SOTO,**  
12  
13 **Petitioner,**

Case No.: **2:25-cv-01993-RFB-NJK**

14 vs.

15 **REGGIE RADER, Police Chief,**  
16 **Henderson Detention Center;**  
17 **MICHAEL BERNACKE, Field Office**  
18 **Director, U.S. Immigration and Customs**  
19 **Enforcement,**  
20 **SUMMER JOHNSON, US District**  
21 **Attorney for the District of Nevada,**  
22 **PAMELA BONDI, Attorney General of**  
23 **the United States; and**  
24 **KRISTI NOEM, Secretary of Homeland**  
25 **Security, in their official capacities,**

**CERTIFICATE OF SERVICE**

26  
27 **Defendant**  
28

I, Juan Carrillo, employee for Attorney David E. Walters, hereby certify that I served a copy of the **Response to Federal Respondents' Status Report** was made this day by depositing a copy of the same in the United States Mail in Las Vegas, Nevada, postage prepaid for priority mailing, addressed to:

1 WARDEN JOHN MATTOS  
2 Nevada Southern Detention Center  
3 Represented by:  
4 Ashlee Hesman & Jacob Brady Lee  
5 Struck Love Acedo, PLC  
6 [ahesman@strucklove.com](mailto:ahesman@strucklove.com)  
7 [JLee@strucklove.com](mailto:JLee@strucklove.com)  
8 Struck Love Acedo, PLC  
9 3100 West Ray Road  
10 Suite 300  
11 Chandler, AZ 85226  
12 Service via Electronic Mail (Email)

13 MICHAEL BERNACKE  
14 ICE/ERO Field Office Director  
15 Represented by:  
16 Virginia Tomova  
17 DOJ-USAO  
18 501 Las Vegas Blvd., S.  
19 Suite 1100  
20 Las Vegas, NV 89101  
21 702-388-6533  
22 Email: [virginia.tomova@usdoj.gov](mailto:virginia.tomova@usdoj.gov)

23 Tamer Botros Botros  
24 U.S. Attorney's Office for District of NV  
25 501 Las Vegas Blvd S  
26 Suite 1100  
27 Las Vegas, NV 89101  
28 702-388-6583  
Email: [tamer.botros@usdoj.gov](mailto:tamer.botros@usdoj.gov)

Secretary Kristi Noem  
United States Department of Homeland Security  
Represented by:  
Tamer Botros Botros  
(See above for address)

1 Virginia Tomova  
2 (See above for address)

3 Pamela Bondi  
4 Attorney General of the United States  
5 Represented by:  
6 Tamer Botros Botros  
7 (See above for address)  
8 Virginia Tomova  
9 (See above for address)

10 US Attorney's Office for the District of Nevada- Civil Division  
11 [USANV.CivilDuty@usdoj.gov](mailto:USANV.CivilDuty@usdoj.gov)

12 **Sigal Chattah , Govt**  
13 DOJ-USAO  
14 501 Las Vegas Blvd. South  
15 Ste 1100  
16 Las Vegas, NV 89143  
17 702-388-6566  
18 Email: [sigal.chattah@usdoj.gov](mailto:sigal.chattah@usdoj.gov)

19 Summer Johnson  
20 US Attorney's Office for the District of Nevada- Civil Division  
21 501 Las Vegas Blvd. South  
22 Las Vegas, NV 89101  
23 702-388-6336  
24 Email: [summer.johnson@usdoj.gov](mailto:summer.johnson@usdoj.gov)

25 Executed this 22<sup>nd</sup> day of January, 2026, at Las Vegas, Nevada:

26  
27  
28  
**/s: Juan Carrillo**  
**J. Carrillo**  
**Senior Paralegal**

# **EXHIBIT A**

**Notice of Custody Redetermination Hearing In  
Immigration Proceedings setting the January 15,  
2026 bond hearing**

IMMIGRATION COURT  
110 N. CITY PARKWAY, STE. 400  
LAS VEGAS, NV 89106

ALAS-GARCIA, OSCAR DAVID  
IN ICE CUSTODY PAHRUMP  
2190 E. MESQUIE AVE.  
PAHRUMP, NV 89060

FILE: 

RE: ALAS-GARCIA, OSCAR DAVID

NOTICE OF CUSTODY REDETERMINATION HEARING IN IMMIGRATION PROCEEDINGS

PLEASE TAKE NOTE THAT THE ABOVE CAPTIONED CASE HAS BEEN  
SCHEDULED/RESCHEDULED FOR A CUSTODY REDETERMINATION HEARING BEFORE THE  
IMMIGRATION COURT ON Jan 15, 2026 AT 1:00 P.M. AT THE FOLLOWING ADDRESS:

110 N. CITY PARKWAY, STE. 400  
LAS VEGAS, NV 89106

YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY  
AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT PERSONS  
BEFORE AN IMMIGRATION COURT. IF YOU WISH TO BE REPRESENTED, YOUR ATTORNEY  
OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

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CERTIFICATION OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL  PERSONAL SERVICE  ELECTRONIC SERVICE   
TO:  ALIEN  ALIEN c/o Custodial Officer  ALIEN's ATT/REP  DHS  
DATE: 1/15/26 BY: COURT STAFF SC  
Attachments:  EOIR-33  EOIR-28  Legal Services List  Other

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# **EXHIBIT B**

**Notice of Custody Redetermination Hearing In  
Immigration Proceedings setting the January 22,  
2026 bond hearing**

IMMIGRATION COURT  
110 N. CITY PARKWAY, STE. 400  
LAS VEGAS, NV 89106

ALAS-GARCIA, OSCAR DAVID  
IN ICE CUSTODY PAHRUMP  
2190 E. MESQUIE AVE.  
PAHRUMP, NV 89060

FILE: 

RE: ALAS-GARCIA, OSCAR DAVID

NOTICE OF CUSTODY REDETERMINATION HEARING IN IMMIGRATION PROCEEDINGS

PLEASE TAKE NOTE THAT THE ABOVE CAPTIONED CASE HAS BEEN  
SCHEDULED/RESCHEDULED FOR A CUSTODY REDETERMINATION HEARING BEFORE THE  
IMMIGRATION COURT ON Jan 22, 2026 AT 08:30 A.M. AT THE FOLLOWING ADDRESS:

110 N. CITY PARKWAY, STE. 400  
LAS VEGAS, NV 89106

YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY  
AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT PERSONS  
BEFORE AN IMMIGRATION COURT. IF YOU WISH TO BE REPRESENTED, YOUR ATTORNEY  
OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

---

CERTIFICATION OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL  PERSONAL SERVICE  ELECTRONIC SERVICE

TO:  ALIEN  ALIEN c/o Custodial Officer  ALIEN's ATT/REP  DHS

DATE: 1/15/26 BY: COURT STAFF SC

Attachments:  EOIR-33  EOIR-28  Legal Services List  Other

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