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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Antonio Alejandro Garcia Morao,

Petitioner

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security,

TODD LYONS, in his official capacity as
Acting Director of Immigration and Customs
Enforcement,

MARCOS CHARLES, in his official capacity
as ICE Field Officer Director,

JOHN MATTOS, in his official capacity as the
warden of the Nevada Southern Detention
Facility,

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

The Executive Office for Immigration Review

United States Immigration and Customs
Enforcement.

Respondents

Civil No.: **2:25-cv-02588-MMD-NJK**

PETITIONER'S OPPOSITION TO
RESPONDENTS' MOTION FOR AN
EXTENSION AND REQUEST TO SUBMIT
FOR A DECISION

IMMIGRATION HABEAS CASE

1 **PLAINTIFF’S OPPOSITION TO RESPONDENTS’ SECOND MOTION FOR EXTENSION**
2 **OF TIME AND REQUEST TO SUBMIT FOR A DECISION**

3 **I. INTRODUCTION**

4 Respondents request a ten-day extension, until January 16, 2026. Although Petitioner is
5 sympathetic to opposing counsel’s situation, an extension would serve to only prejudice Petitioner
6 based on deadlines that Respondents have set.

7 **II. RESPONDENTS HAVE SET A DEADLINE FOR JANUARY 13, 2026**

8 At a Master Calendar Hearing on December 23, 2025, Respondent, EOIR, informed Petitioner
9 that it would grant one more extension to resolve the issue of an interview for the adjustment of status
10 application, if the issue of the interview was not resolved by January 13, 2026, that EOIR would
11 proceed in its removal proceedings. Ex. 1. Respondents have set a deadline to resolve an issue only
12 they can resolve, and then refuses to resolve it within the timeline they have set. Petitioner would be,
13 therefore, prejudiced should this Court grant an extension on the request.

14 **III. FURTHER EXTENSION PREJUDICES PETITIONER**

15 Habeas corpus is a “speedy remedy” entitled to special, preferential consideration. *Fay v. Noia*,
16 372 U.S. 391, 400 (1963); 28 U.S.C. § 2243. Every day of delay prolongs Petitioner’s detention without
17 the opportunity to have an interview for the relief he is seeking. Granting even a ten-day extension
18 would unduly prejudice Petitioner, particularly because the issues presented are primarily legal and
19 could be resolved on the existing record.

20 **IV. DECISION ON THE RECORD IS APPROPRIATE**

21 Because the Petition raises primarily legal questions, and Respondents have already received
22 adequate time, the Court may decide the Petition on the existing record without oral argument or
23 evidentiary hearing. *See Anderson v. United States*, 898 F.2d 751, 753 (9th Cir. 1990).

