

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

NICOLAS VEGA SANCHEZ,

Petitioner,

v.

KRISTI NOEM, in her Official Capacity,
Secretary of the U.S. Department of
Homeland Security;

WARDEN, Broward Transitional Center;

ZOELLE RIVERA, Miramar Field Office
Director, Enforcement and Removal
Operations, U.S. Immigration and
Customs Enforcement (ICE);

TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement
(ICE); and

SIRCE OWEN, Acting Director,
Executive Office of Immigration Review
(EOIR),

Respondents.

Case No. 0:25-cv-62677

Judge Donald M. Middlebrooks

**PLAINTIFF NICOLAS VEGA SANCHEZ'S RESPONSE
TO THE GOVERNMENT'S OPPOSED MOTION FOR
LEAVE OF COURT TO ALTER OR AMEND JUDGMENT**

Petitioner Nicolas Vega Sanchez ("Mr. Vega Sanchez"), by and through its undersigned counsel, respectfully submits this response to the Government's Opposed Motion for Leave of Court to Alter or Amend Judgment (DE 20).

The Government missed its January 27 deadline to file an objection to Magistrate Judge Augustin-Birch's Report and Recommendation (the "R&R"). (DE 17). On January 28, the Government filed an opposed motion for leave to file an untimely objection to the R&R. (DE 18). That same day, this Court adopted the R&R. (DE 19). In so doing, the Court granted Mr. Sanchez Vega's petition for habeas corpus and ordered he be afforded an individualized bond hearing before an immigration judge within 7 days or be released without a bond hearing.

The Government's current motion (DE 20) states that this Court's January 28 order should be amended because it incorrectly reflects that the Government did not file an objection. The Government, in fact, *has not filed* an objection. It *has filed* an opposed motion seeking leave to file an objection. If that motion were granted, the Government could file its untimely objection.¹ It is also worth noting that the document attached to both of the Government's motions, purporting to be an objection, does not make any arguments different than the ones that were rejected by Magistrate Judge Augustin-Brich and "acknowledge[s] the current weight of district court authority favors the interpretation set forth in the R&R." (*See* DE 18-1, p 2; 20-2, p.2.).

Mr. Sanchez Vega remains in custody; we believe unlawfully so. No further delays should be allowed, especially one based on procedural wrangling around the Government's admitted failure to comply with a clear deadline about an R&R that is acknowledged to be in line with the weight of precedent.

Dated: January 29, 2025

Respectfully submitted,

By: /s/ Sky A. Emison

Maia Sevilla-Sharon
Florida Bar No. 123929

¹ That application is now moot.

Sky A. Emison
Florida Bar No. 1028493
TROUTMAN PEPPER LOCKE LLP
1395 Brickell Avenue
Suite 900 - Office Number 920
Miami, FL 33131
Telephone: (305) 200-8800
Facsimile: (561) 655-8719
maia.sevilla-sharon@troutman.com
sky.emison@troutman.com

R. James DeRose, III, *pro hac vice*
forthcoming
rj.deroserose@troutman.com
Chris Fontenelli, *pro hac vice* forthcoming
christopher.fontenelli@troutman.com
TROUTMAN PEPPER LOCKE LLP
875 Third Avenue, New York, NY 10022
Tel.: (212) 704-6000
Fax: (212) 704-6288
Counsel for Plaintiff Nicolas Vega Sanchez

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing RESPONSE TO THE GOVERNMENT'S OPPOSED MOTION FOR LEAVE OF COURT TO ALTER OR AMEND JUDGMENT was served on all counsel of record on January 29, 2026 via the Court's CM/ECF system.

/s/ Sky Emison
Sky Emison