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8 \*Attorney for Petitioner Dagmar Jesus Diaz-Gonzalez

9  
10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 Dagmar Jesus Diaz-Gonzalez,

13 Petitioner,

14 v.

15 John Mattos, NSDC Warden; Michael  
Bernacke, Field Director, Salt Lake City  
16 Field Office of ICE ERO; Todd Lyons, ICE  
Acting Director; Kristi Noem DHS  
17 Secretary; Pam Bondi, U.S. Attorney  
18 General, et al.,

19 Respondents.

Case No. 2:25-cv-02622-JAD-BNW

**Opposition to Respondents' Motion  
for Extension of Time**

**(ECF No. 14)**

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**BACKGROUND**

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2 On November 14, 2025, Mr. Diaz-Gonzalez was released from NDOC (Nevada  
3 Department of Corrections) custody and was immediately taken into ICE custody,  
4 where he has remained since.

5 Mr. Diaz-Gonzalez is a disabled individual suffering from two serious chronic  
6 conditions: malignant multiple sclerosis (“MS”) and epilepsy that causes recurring  
7 tonic-clonic (grand mal) seizures. His MS is in an advanced stage and requires the  
8 use of a wheelchair. He cannot stand independently and struggles to meet basic  
9 daily needs. His epilepsy presents additional life-threatening risks, including  
10 secondary injuries and concussions caused by falls.

11 Mr. Diaz-Gonzalez requires multiple medications and targeted treatment for  
12 both MS and epilepsy, including injectable therapies and treatment for MS flare-  
13 ups. Since entering ICE custody, however, he has not received the necessary  
14 medical attention for his chronic conditions. His health has rapidly deteriorated.

15 Malignant MS is a particularly aggressive and progressive form of the  
16 disease that significantly shortens life expectancy. Without proper medical  
17 treatment and care, Mr. Diaz-Gonzalez’s life is at substantial risk. ICE’s failure and  
18 inability to provide necessary medications, treatment, and rehabilitative and  
19 accessibility care demonstrates deliberate indifference to his serious medical needs.  
20 There is also serious concern about third country removal as it pertains to adequate  
21 medical and assistive care.

22 Mr. Diaz-Gonzalez’s continued detention is unconstitutional and violates the  
23 Fifth Amendment to the United States Constitution, the Administrative Procedure  
24 Act, and the Immigration and Nationality Act.  
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1 Mr. Diaz-Gonzalez filed his First Amended § 2241 Petition on January 23,  
2 2026.<sup>1</sup> Respondents' answer to the petition was due on January 30, 2026.  
3 Respondents filed their first request for an extension of three days on January 30,  
4 2026.<sup>2</sup> Respondents then filed a second request for an extension of 7 days on  
5 February 2, 2026.<sup>3</sup> After receiving the filing notice for the first request, undersigned  
6 counsel was not going to oppose the 3-day request. But Respondents now seek an  
7 additional week and have failed to show good cause for this second extension which  
8 will prejudice Mr. Diaz-Gonzalez.

### 9 ARGUMENT

10 A request to extend unexpired deadlines may be granted upon a showing of  
11 good cause by the moving party. Fed. R. Civ. P. 6(b)(1)(A). "The good cause analysis  
12 turns on whether the subject deadlines cannot reasonably be met despite the  
13 exercise of diligence." *Williams v. James River Grp. Inc.*, 627 F. Supp. 3d 1172,  
14 1177–78 (D. Nev. 2022) citing *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,  
15 609 (9th Cir. 1992). Where diligence has not been shown, "the inquiry should end."  
16 *Johnson*, 975 F.2d at 609.

17 Undersigned counsel appreciates the medically detailed nature of this case  
18 and Respondents' counsel's efforts to obtain medical information—but this is  
19 information that should already be readily available to Respondents. Mr. Diaz-  
20 Gonzalez has been in their custody since November 14, 2025. Mr. Diaz-Gonzalez is a  
21 disabled person with two documented serious chronic illnesses. In the nearly three  
22 months Mr. Diaz-Gonzalez has been in custody, Respondents should have already  
23 ascertained Mr. Diaz-Gonzalez's condition, the necessary treatments and  
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25 <sup>1</sup> ECF No. 9.

26 <sup>2</sup> ECF No. 13.

27 <sup>3</sup> ECF No. 14.

1 medications, along with the mobility assistance needed. They should have also  
2 already been providing it. Upon information and belief, this is not happening.

3 To the extent Respondents' counsel is suggesting the agencies with the  
4 information it requested are not promptly providing necessary information or do not  
5 have the necessary information, this would demonstrate a lack of diligence that is  
6 properly imputed to the government, notwithstanding counsel's individual efforts.  
7 In any event, Respondents reasons for needing more time do not demonstrate good  
8 cause. This Court recently found as much in *Alkarori v. Nevada Southern Detention*  
9 *Center, et al.*, ECF No. 11 (Case No. 2:25-cv-02567-MMD-MDC) (Jan. 6, 2026).  
10 There, it said: "Moreover, Respondents' generalized statement that counsel is still  
11 awaiting unspecified 'needed documents' from the Department of Homeland  
12 Security is too vague to qualify as good cause." This Court should make the same  
13 finding here.

14 Mr. Diaz-Gonzalez will be prejudiced by the requested extension, which will  
15 prolong his detention and the lack of necessary medical care. The current mass  
16 detention of persons by Immigrations and Customs Enforcement (ICE) raises  
17 serious concerns about the government's ability to provide adequate health care: 32  
18 people died in ICE custody in 2025, an almost three-fold increase over 2024.<sup>4</sup>

19 The requested extension should be denied. Given the timing of the  
20 government's motion, it will automatically receive an extension no matter how this  
21 Court rules. Accordingly, this Court should not permit the government to file any  
22 later than February 9, 2026, and in any event should direct no further extensions  
23 will be granted absent compelling circumstances.

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27 <sup>4</sup> <https://www.theguardian.com/us-news/ng-interactive/2026/jan/04/ice-2025-deaths-timeline>

1 Dated February 4, 2026.

2 Respectfully submitted,

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4 Rene L. Valladares  
5 Federal Public Defender

6 */s/ Ashlyn Saenz-Ochoa*

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