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13 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

14 Dagmar Jesus Diaz-Gonzalez,

15 Petitioner,

16 v.

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

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

**Supplemental Brief in Support of
Motion for Temporary Restraining
Order**

1 **POINTS AND AUTHORITIES**

2 This Court held a hearing on Petitioner Dagmar Diaz-Gonzalez's Emergency
3 Motion for Temporary Restraining Order on February 17, 2026. After hearing
4 argument from the parties, this Court requested that the parties meet and confer
5 regarding missing medications and other specific issues that are unclear. The Court
6 indicated the parties were to discuss the applicable ICE directives, accommodations
7 that can be made related to Diaz-Gonzalez's condition and related disabilities, and
8 at undersigned counsel's request, the possibility of third country removal.

9 Counsel for the parties conferred on February 19 and discussed the above-
10 referenced issues. Counsel for Warden Mattos, Ashlee Hessman, confirmed that
11 Diaz-Gonzalez is scheduled to receive his infusion to treat his MS next week. After
12 the meeting, AUSA Christian Ruiz sent additional medical records to undersigned
13 counsel, which showed that Diaz-Gonzalez has been prescribed Metformin and
14 medication to treat depression and anxiety, two of the medications that AFPD
15 Ashlyn Saenz-Ochoa had identified were missing from Diaz-Gonzalez's medication
16 regimen at NSDC. On February 20, counsel for Warden Mattos, Ashlee Hessman
17 provided an update via email that the Nevada Southern Detention Center has
18 taken actions to accommodate Diaz-Gonzalez's disabilities and care for his medical
19 conditions. Specifically, she stated that "Petitioner is housed in an ADA cell in the
20 medical housing unit. He has access to a toilet and shower with rails. The shower
21 has a seat. Both his wheelchair and walker are in the cell with him. Wipes have
22 been ordered for his use. Pills will now be delivered to his cell. His Case Manager
23 sees him daily and can assist with writing. If he requires assistance dressing or
24 showering, nursing staff are available to assist."

25 In light of the corrective actions taken by Respondent Mattos, Diaz-Gonzalez
26 withdraws his request for this Court's emergency intervention with regards to his
27 requests for medical care and accommodations. However, Diaz-Gonzalez makes two

1 related requests that go directly to ensuring his detention is constitutionally
2 permissible. First, Diaz-Gonzalez requests that Respondents disclose to
3 undersigned counsel NSDC's treatment plan to care for and slow the progression of
4 Respondent's chronic condition. Without obtaining the treatment plan, Diaz-
5 Gonzalez is unable to evaluate whether the medical care he will receive is adequate
6 based on clinical standards of care, nor would Diaz-Gonzalez be aware if required
7 treatments or medical interventions are missed. Second, Diaz-Gonzalez asks this
8 Court to defer ruling on Ground One of the amended petition and allow Diaz-
9 Gonzalez to file a status report in 30 days to inform this Court of the status of his
10 medical care and disability-related accommodations. Continued oversight of this
11 issue is important and necessary because there was an unacceptable delay in
12 receiving appropriate treatment and accommodations that was not addressed by
13 NSDC until the matter was brought before this Court.

14 **This Court's intervention is still necessary to prevent Diaz-**
15 **Gonzalez's removal to a third country without due process.** Based on
16 representations from AUSA Ruiz, it is DHS's position that Cuba has not agreed to
17 accept Diaz-Gonzalez, and DHS can presently remove Diaz-Gonzalez to Mexico even
18 though that is not a country that was designated for removal in immigration court.
19 The harm that would likely befall Diaz-Gonzalez if he were to be removed to a third
20 country where he has no ties without adequate due process is especially salient
21 because of his unique vulnerabilities resulting from his chronic medical conditions
22 and disability. Diaz-Gonzalez is at risk of removal to a third country such as Mexico
23 because he is Cuban, and Cuba is known to be a recalcitrant country with regards
24 to accepting its citizens for deportation, especially when it comes to Cubans with
25 criminal records. *See Veiga v. Bondi*, No. 2:25-CV-02168-TMC, 2025 WL 3526067, at
26 *1 (W.D. Wash. Dec. 9, 2025) ("Although ICE arrested 419 Cuban citizens in fiscal
27 year 2025, only 138 Cubans were removed, and only 32 of those had criminal

1 convictions. Petitioner asserts that there are at least 34,000 Cubans with final
2 orders of removal due in large part to criminal convictions,”) (internal citations and
3 quotations omitted).

4 In fact, ICE has already spoken to Diaz-Gonzalez about the possibility of
5 removing him to Mexico and has attempted to unlawfully remove other Cubans to
6 Mexico from this district. *See Suarez-Ramirez v. Bondi et. al.*, No. 2:25-cv-02369-
7 MMD-EJY (D. Nev. Dec. 17, 2025) at ECF No. 13; *Perez v. Bondi et al.*, No. 2:25-cv-
8 02390-CDS-BNW (D. Nev. Jan. 12, 2026) at ECF No. 20. Temporarily restraining
9 Federal Respondents from removing Diaz-Gonzalez would ensure he is not removed in
10 violation of his due process rights while this petition is pending. *See e.g. Gomez v.*
11 *Mattos*, No. 2:25-CV-00975-GMN-BNW, 2025 WL 3101994, at *6 (D. Nev. Nov. 6, 2025)
12 (“in accordance with the ample case law above, the Court holds that Petitioner has a
13 due process right to receive meaningful notice and opportunity to present a fear-based
14 claim to an IJ before DHS deports him to a third country.”) Further underscoring the
15 need for robust due process protection is Diaz-Gonzalez’s history of serious head
16 injuries and his substantial difficulty with holding writing due to his disability. This
17 Court should grant the TRO with regards to Diaz-Gonzalez’s claim that he cannot be
18 removed to a third country without adequate due process protections.

19 Dated February 20, 2026

21 Respectfully submitted,

22 Rene L. Valladares
23 Federal Public Defender

24 /s/ Laura Barrera
25 Laura Barrera
26 Assistant Federal Public Defender
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