Rene L. Valladares
Federal Public Defender
Nevada State Bar No. 11479
*Jennifer Joseph
Assistant Federal Public Defender
New York No. 5500038
411 E. Bonneville Ave., Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577
Jennifer_Joseph@fd.org

*Attorney for Petitioner Manuel Garcia Ugalde

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Manuel Garcia Ugalde,

Petitioner,

v.

David Venturella, *et al.*,

Respondents.

Case No. 2:26-cv-01243-APG-EJY

Motion for Leave to File Second Amended Petition for Habeas Corpus and to Modify Current Briefing Schedule

Petitioner Manuel Garcia Ugalde, through undersigned counsel, respectfully moves for leave to file a Second Amended Petition no later than June 30, 2026, or sooner if counsel receives and reviews the June 17, 2026 bond hearing audio before that date. Petitioner further requests that the Court modify the current briefing schedule so that Respondents' response is due seven days after Petitioner files the Second Amended Petition.

This motion is made pursuant to Federal Rule of Civil Procedure 15(a)(2), LR 15-1, and the Court's authority to manage the briefing schedule in this habeas proceeding. This motion is supported by the following memorandum of points and authorities.

POINTS AND AUTHORITIES

Petitioner filed his First Amended Petition on June 3, 2026.[1] The First Amended Petition challenged Petitioner's continued immigration detention and the failure to provide a timely and constitutionally adequate custody redetermination.

Respondents' response was originally due on June 10, 2026, and Respondents requested an extension of time to investigate issues concerning Petitioner's custody proceedings, including why a bond hearing had not occurred.[2] The Court granted that request and extended Respondents' response deadline to June 17, 2026.[3]

On June 17, 2026, shortly before the response deadline, Respondents notified undersigned counsel that Petitioner would receive a bond hearing that same day. Respondents requested another week-long extension to learn and respond to the results of the bond hearing,[4] which the Court granted in part and set the current response deadline to June 23, 2026.[5]

On June 18, 2026, Petitioner notified undersigned counsel that the Immigration Judge had granted bond but set it at $15,000. Undersigned counsel completed an EOIR records request with the immigration court, but these requests can take up to a week to be fulfilled. Undersigned counsel emailed counsel for the Respondents, indicating her intent to ask for this Court's leave to amend the petition but would need the bond order and audio to do so, with the understanding that this would make Respondents' current response deadline of June 23, 2026 no longer necessary. On June 19, 2026, Counsel for respondents emailed undersigned counsel

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[1] ECF No. 9.

[2] ECF No. 15.

[3] ECF No. 17.

[4] *See* ECF No. 19.

[5] ECF No. 21.

the bond order and said he would provide the audio when available but advised it could also take up to a week.

Petitioner files this motion now to notify the Court of these developments and to avoid unnecessary briefing on the first amended petition that, pending review of the bond hearing audio upon receipt, will likely be superseded.

I. Leave to amend should be granted because the June 17 bond hearing may give rise to newly ripened detention claims.

Rule 15 directs courts to freely give leave to amend when justice so requires. Fed. R. Civ. P. 15(a)(2). Leave is appropriate here because the June 17 bond hearing occurred after the First Amended Petition was filed and may materially affect Petitioner's detention claims.

The First Amended Petition challenged, in part, Respondents' failure to provide the custody process required by law. The June 17 hearing does not necessarily resolve those claims. Petitioner was granted bond, but the bond was set at $15,000. The written order does not disclose whether the Immigration Judge applied the proper burden, considered Petitioner's ability to pay, considered alternative conditions of release, or made findings sufficient to justify the bond amount. These questions may be relevant to whether Petitioner received constitutionally adequate custody process. *See Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017).

The June 17 audio is therefore necessary to determine the precise amended claims. Petitioner seeks a short, definite period to obtain and review the audio and file a Second Amended Petition that accurately reflects the current posture of his detention.

II. Good cause exists to permit Petitioner to file the Second Amended Petition by June 30, 2026.

Petitioner recognizes that LR 15-1 ordinarily requires a proposed amended pleading to be attached to a motion for leave to amend. Petitioner respectfully

requests that the Court order otherwise here because the June 17 bond hearing audio has not yet been produced and is necessary to plead the amended claims accurately.

Petitioner is not seeking delay for its own sake. Filing a proposed Second Amended Petition before counsel receives the audio would risk presenting incomplete or inaccurate claims.

Petitioner therefore requests leave to file the Second Amended Petition no later than June 30, 2026, or sooner if counsel receives and reviews the audio before that date.

III. The briefing schedule should be modified so Respondents respond to the operative petition, when filed.

Good cause also exists to modify the current briefing schedule. Respondents' response is currently due June 23, 2026, and requiring Respondents to respond now would likely result in unnecessary briefing on a pleading that will soon be superseded.

Petitioner therefore requests that the Court modify the schedule so that Respondents' response is due seven days after Petitioner files the Second Amended Petition. This schedule will allow Respondents to address the operative petition and all current detention claims in one response.

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Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Court grant this motion and enter an order: (1) permitting Petitioner to file a Second Amended Petition no later than June 30, 2026, or sooner if counsel receives and reviews the bond hearing audio before that date; and (2) modifying the briefing schedule so that Respondents' response is due seven days after Petitioner files the Second Amended Petition.

Dated June 23, 2026.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Jennifer Joseph
Jennifer Joseph
Assistant Federal Public Defender