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

Petitioner Manuel Garcia Ugalde, through undersigned counsel, respectfully renews his motion for leave to file the proposed Second Amended Petition.

Petitioner previously moved for leave to amend before counsel had received the audio from the June 17, 2026 bond hearing. Since then, counsel has received and reviewed the audio, along with the written bond order. The proposed Second Amended Petition therefore reflects the current posture of Petitioner's detention, including the June 17 bond hearing, the Immigration Judge's explanation that Petitioner's renewed bond request had been treated as moot after the March 27 removal order, and the $15,000 bond set despite Petitioner's inability to pay and the imposition of ankle monitoring.

This motion is made pursuant to Federal Rule of Civil Procedure 15(a)(2), LR 15-1, and the Court's authority to manage 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

---

[1] ECF No. 9.

[2] ECF No. 15.

[3] ECF No. 17.

[4] *See* ECF No. 19.

[5] ECF No. 21.

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

Undersigned counsel later received and reviewed the audio of the June 17 bond hearing through the EOIR process. The proposed Second Amended Petition incorporates those materials and updates Petitioner's claims accordingly.

I. Leave to amend should be granted because the June 17 bond hearing gave 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 § 1226(a), due process, and *Jacobo-Ramirez*. The June 17 hearing did not resolve those claims. Instead, the hearing confirmed that Petitioner's renewed March 2026 bond request had been treated as moot after the Immigration Judge ordered him removed, even though the removal order was not administratively final and Petitioner's BIA appeal remained pending. The hearing also resulted in a $15,000 bond despite Petitioner's inability to pay and the imposition of ankle monitoring.

The proposed Second Amended Petition therefore does not seek amendment for delay or any improper purpose. It updates the operative pleading to reflect events that occurred after the First Amended Petition was filed and facts counsel could not accurately plead until after receiving and reviewing the bond hearing audio.

II. Good cause exists to permit Petitioner to file the Second Amended Petition because it will allow the Court and Respondents to address the operative detention claims in one pleading.

Good cause supports amendment now. Petitioner remains detained. The proposed Second Amended Petition presents the current factual and legal posture of Petitioner's custody, including the belated June 17 bond hearing and the continued detention resulting from a bond amount Petitioner cannot pay.

Permitting amendment will promote efficiency because Respondents can address the operative petition rather than briefing claims based on an outdated procedural posture. The amendment is also timely. Petitioner moved promptly after the June 17 bond hearing, sought the written order and audio, reviewed the materials when received, and now submits the proposed Second Amended Petition pursuant to LR 15-1.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court grant this renewed motion for leave to amend and permit Petitioner to file the proposed Second Amended Petition attached herein.

Dated June 29, 2026.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Jennifer Joseph
Jennifer Joseph
Assistant Federal Public Defender