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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 Victor Kalid JACOBO RAMIREZ; Edgar
Michel GUEVARA ALCANTAR,

15 Petitioners,

16 v.

17 Kristi NOEM et al.,

18 Respondents.
19

Case No. 2:25-cv-02136-RFB-MDC

**Federal Respondents' Motion for Leave
to Submit Declaration in Lieu of Live
Testimony, or in the Alternative, for
Clarification**

20 Federal Respondents respectfully move for leave to submit a written declaration in
21 lieu of live witness testimony in response to the Court's request for witness testimony
22 regarding the digital systems, databases, and information sources reviewed by U.S.
23 Immigration and Customs Enforcement ("ICE") when confirming detention authority and
24 determining the basis for an individual's detention.

25 In the alternative, Respondents respectfully request clarification regarding the scope
26 of testimony the Court seeks so that the appropriate agency official can be identified and
27 prepared to address the Court's questions at the next status conference scheduled for March
28 16, 2026, at 11:15 a.m.

1 A written declaration from an appropriate ICE official would provide the Court
2 with precise and verified information regarding the relevant systems and review processes
3 and would assist the Court in addressing the issues discussed at the hearing concerning
4 identification of individuals who may fall within the certified class.

5 **A. Background**

6 At the March 6, 2026, hearing in this matter, the Court addressed issues relating to
7 implementation of its declaratory judgment and the identification of individuals who may
8 fall within the certified class.

9 At the hearing, the Court and the parties addressed information that has been
10 produced regarding detainees in Nevada and the process by which the parties are
11 attempting to identify individuals who may fall within the certified class. The Court and the
12 parties discussed the weekly detainee lists that have been produced and the Court raised
13 questions concerning the timing of document production associated with those lists and the
14 availability of certain underlying records.

15 In the course of that discussion, the Court indicated that it wished to better
16 understand what information ICE personnel review when confirming detention authority,
17 including what digital records or databases may be consulted in making that determination.
18 The Court therefore requested that someone be present at the next hearing who could
19 explain what information ICE reviews digitally to confirm detention authority and what
20 databases are consulted in making that determination.

21 The Court also raised questions regarding the availability of certain records
22 referenced during the hearing, including Form I-213 (Record of Deportable/Inadmissible
23 Alien), which a prior witness had indicated may be readily available. The Court further
24 discussed the timing of document production relative to the weekly detainee lists and
25 indicated that it wished to better understand the processes by which such records are
26 accessed and retrieved.

27 Respondents have since been working with ICE personnel to identify the appropriate
28 official capable of providing accurate information regarding the relevant databases and

1 review procedures. Because the subject matter involves technical agency systems and
2 internal data sources, Respondents respectfully submit that the Court would benefit from a
3 written declaration describing the relevant systems and procedures with precision.

4 **B. Legal Standard**

5 Under Fed. R. Civ. P. 43(a), testimony at trial ordinarily must be taken in open
6 court. However, outside the context of trial, courts retain broad discretion regarding the
7 manner in which factual information is presented.

8 Fed. R. Civ. P. 43(c) provides that “[w]hen a motion relies on facts outside the
9 record, the court may hear the matter on affidavits or may hear it wholly or partly on oral
10 testimony or on depositions.” Fed. R. Civ. P. 43(c). This rule reflects the Court’s discretion
11 to receive factual information through written evidentiary submissions, particularly when
12 addressing issues arising in connection with case management, class administration, or
13 implementation of court-ordered relief.

14 In addition, 28 U.S.C. § 1746 permits unsworn declarations made under penalty of
15 perjury to substitute for sworn affidavits and to have the same legal effect as sworn
16 testimony. Courts routinely rely on such declarations when resolving factual questions
17 concerning administrative processes, agency procedures, and other matters arising during
18 ongoing litigation.

19 Finally, courts have inherent authority to manage their own dockets. *Hamilton*
20 *Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v.*
21 *Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992). The Ninth Circuit reasoned that district courts
22 have “inherent powers enabling them to manage their cases and courtrooms effectively and
23 to ensure obedience to their orders.” *United States v. Stepney*, No. 01-CR-00344-EMC-1,
24 2017 WL 1956826, at *3 (N.D. Cal. May 11, 2017).

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C. A Written Declaration Would Assist the Court in Addressing the Issues Raised at the Hearing

The Court has requested information concerning the information sources ICE personnel review when confirming detention authority and determining the basis for an individual's detention.

These issues involve technical agency systems and internal data sources. A written declaration from the appropriate ICE official would allow the relevant official to carefully describe: (a) the databases and information systems ICE personnel review when confirming detention authority; (b) what information may be available electronically to ICE personnel when making detention determinations; and (c) the general process by which ICE personnel review available records in confirming detention authority.

Providing this information through a written declaration would ensure that the relevant technical information concerning agency systems and review procedures is presented accurately and completely. A declaration would also allow the responsible official to verify the information provided regarding the relevant systems, available records, and review processes.

Allowing a declaration in the first instance would therefore promote accuracy, clarity, and efficiency while still providing the Court with the information it requested. If the Court determines that follow-up testimony would be helpful after reviewing the declaration, Respondents would of course make the declarant available to address any additional questions at a subsequent hearing.

D. Alternatively, Respondents Seek Clarification

If the Court determines that live testimony is necessary at the upcoming hearing, Respondents respectfully request clarification regarding the specific topics the Court wishes to address so that the appropriate agency official can be identified and prepared.

At the prior hearing, the Court raised several questions concerning how ICE personnel confirm detention authority and how the parties may identify individuals who fall within the certified class. The Court also discussed the timing of document production

1 associated with the weekly detainee lists and the availability of certain underlying records
2 referenced during the hearing.

3 To ensure that the appropriate witness is prepared to address the Court's questions,
4 Respondents respectfully request clarification as to the scope of testimony the Court wishes
5 to receive.

6 Based on the Court's discussion at the hearing, Respondents understand that the
7 Court may wish to obtain information concerning matters such as:

- 8 • the databases, information systems, or records ICE personnel review when confirming
9 detention authority;
- 10 • the availability of records associated with detainees, including records that may be
11 reviewed by ICE personnel when making detention determinations;
- 12 • the process by which such records are stored, accessed, or retrieved by ICE personnel;
- 13 • the timing with which relevant records may become available in relation to an
14 individual's detention;
- 15 • the timing of document production associated with the weekly detainee lists discussed
16 at the hearing; and
- 17 • any operational considerations that may affect the process by which such records are
18 retrieved or produced.

19 Clarification regarding issues the Court would like to elucidate would assist
20 Respondents in identifying and preparing the appropriate agency official capable of
21 addressing the Court's questions accurately and efficiently.

22 **E. Conclusion**

23 For the foregoing reasons, Federal Respondents respectfully request that the Court
24 grant leave to submit a written declaration in lieu of live witness testimony addressing the
25 information requested by the Court. In the alternative, Respondents respectfully request
26 clarification regarding the scope of testimony or declaration the Court seeks so that the
27 appropriate witness may be identified and prepared.

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1 Respectfully submitted this 13th day of March 2026.

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3 Respectfully submitted,

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5 Deputy Attorney General of the United States
6 SIGAL CHATTAH
7 First Assistant United States Attorney

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