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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Kingsley Ariegwe,

Petitioner,

v.

Pamela Bondi, et al.,

Respondents.

Case No. 2:25-cv-2478-ART-EJY

Opposition to Respondents' Motion for Extension of Time (ECF No. 25)

Argument

I. Respondents' late-filed motion for more time should be denied

A. The background of this litigation shows that Respondents have not exercised due diligence

On December 12, 2025, Ariegwe filed a pro se habeas petition challenging his unlawful detention.[1] On December 29, 2025, this Court appointed the Federal Public Defender (FPD) to represent Mr. Ariegwe and ordered the FPD to file a notice of appearance in 7 days and to file an amended petition 14 days later.[2] In the

[1] ECF No. 1-1.

[2] ECF No. 8 at 2.

same Screening Order, this Court ordered Respondents to file their response 7 days after the amended petition was filed.[3]

Undersigned counsel filed two short unopposed motions to continue (one 7-day and one 3-day) to allow counsel to address and alleviate Mr. Ariegwe's concerns and to allow counsel time to research and support the amended petition.[4] In both instances and in compliance with this Court's order, counsel contacted Respondents' counsel to confirm their agreement to the requested continuances.[5] Undersigned counsel timely filed the Amended Petition on January 30, 2026,[6] making Respondents' response due on February 6, 2026.[7]

On February 6, 2026, counsel for Respondents filed a motion for a 5-day continuance making the motion due on February 11, 2026.[8] Counsel for Respondents did not contact undersigned counsel or her office as to our position on the motion.[9] On February 9, 2026, this Court granted Respondents' motion for extension of time.[10] February 11th came and went, and Respondents filed no response. On February 13, 2026, undersigned counsel filed a Notice of Respondents' Non-Opposition.[11]

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[3] ECF No. 8 at 2–3 ("It is further ordered that the United States Attorney's Office for the District of Nevada file a notice of appearance within 7 days of the date of this Order and file and serve their answer to the amended petition within 7 days of service.").

[4] ECF Nos. 12 at 2, 15 at 2.

[5] ECF No. 8 at 3 ("It is further ordered that the parties must meet and confer regarding extensions of deadlines and stipulate to extension if possible.")

[6] ECF No. 17.

[7] *Id.*

[8] ECF No. 20.

[9] *See id.*

[10] ECF No. 21.

[11] ECF No. 23.

Again without meeting and conferring with undersigned counsel, on February 20, 2026, Respondents filed the Response to the Amended Petition and a Motion for Leave to file Response Out of Time, or 9 days late.[12] The good cause allegations in the motion were "temporary logistical complications associated with pre-planned travel," "intermittent connectivity disruptions that affected reliable access to case materials and agency documentation necessary to complete the filing," and counsel's high caseload.[13] To the extent Respondents' counsel had pre-planned leave or difficulty filing his Response, he could have asked co-counsel or a colleague in his office to assist in filing the Response or contacted undersigned counsel to explain why more time was needed to file the Response. As to needing more time to file the Response so that he could include supporting documentation, the documents attached to the Response at Exhibits A through G are documents commonly found in an A-File and in a state court criminal appellate record. Exhibit I is the declaration prepared by the person who reviewed Mr. Ariegwe's medical records and is signed on February 18, 2026.[14] Thus it appears to have been provided to Respondents' counsel two days before the Response was filed.

Mr. Ariegwe respectfully opposes this request because any further extension to respond prolongs Mr. Ariegwe's unconstitutional detention. Respondents have not shown good cause or diligence to justify an out-of-time second extension for nine additional days. This Court should deny the request for a nine-day extension.

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[12] ECF Nos. 24, 25.

[13] ECF No. 25 at 1-2, and 3.

[14] ECF No. 24, Ex. I at 4.

B. Because Respondents have not exercised due diligence, and because of Ariegwe's heightened liberty interests, the Court should deny Respondents' motion

A request to extend unexpired deadlines may be granted upon a showing of good cause by the moving party. Fed. R. Civ. P. 6(b)(1)(A). "The good cause analysis turns on whether the subject deadlines cannot reasonably be met despite the exercise of diligence." *Williams v. James River Grp. Inc.*, 627 F. Supp. 3d 1172, 1177–78 (D. Nev. 2022) (citing *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)). "Although the existence or degree of prejudice to the party opposing the modification might supply additional reasons to deny a motion, the focus of the inquiry is upon the moving party's reasons for seeking modification. . . . If that party was not diligent, the inquiry should end." *Johnson*, 975 F.2d at 609.

Here, Respondents cannot meet the good cause standard and have not demonstrated diligence. This case pertains to the liberty interests of Mr. Ariegwe, who has been detained at NSDC since September 24, 2025, or five months and counting. While Respondents have held Mr. Ariegwe in their custody for this extended period of time, the answers to the matters raised in the amended petition have always been in their possession and were readily available to them. Indeed, both requests for extensions of time—including Respondents' out-of-time nine-day request for extension of time—was made when Respondents knew that the Assistant United States Attorney assigned to this case would be on leave from February 9–10, 2026.[15] It is unseemly for Respondents to now seek an extended request for more time when their prior request gave the clear message that they

[15] ECF No. 20 at 3, explaining counsel's "pre-planned personal leave" on February 9–10, as a reason for the motion to extend time.

were nearly ready to answer the petition by February 11, 2026.[16] It is unreasonable for Respondents to belatedly seek any further time to respond. Thus, a nine-day extension filed after the deadline is not warranted as Respondents have not made the requisite showing of diligence, and it is appropriate for Mr. Ariegwe's petition to be decided as expeditiously as possible.

Petitioner respectfully asks that this Court deny Respondents' motion for an out-of-time nine-day extension of time to file the Response.

Dated February 23, 2026.

Respectfully submitted,

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Federal Public Defender

/s/ Sylvia Irvin
Sylvia Irvin
Assistant Federal Public Defender

[16] ECF No. 20 at 3.