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**UNITED STATES DISTRICT COURT**
**DISTRICT OF NEVADA**

Naim Vijdani,

Petitioner,

v.

John Mattos, NSDC Warden; Michael Bernacke, Field Director, West Valley City Office of ICE ERO; Todd Lyons, ICE Acting Director; Kristi Noem DHS Secretary; Pam Bondi, U.S. Attorney General, Kerri Ann Quihuis, ICE Field Office Director, Las Vegas,

Respondents.

Case No. 2:25-cv-02496-GMN-EJY

**Federal Respondents' Response to Court's Order to Show Cause (ECF No. 15)**

Federal Respondents Michael Bernacke, Todd Lyons, Kristi Noem, Pamela Bondi, and Kerri Ann Quihuis, ("Federal Respondents"), through undersigned counsel, hereby respectfully submit this Response to the Court's February 13, 2026 Order to Show Cause (ECF No. 15), which directed "Respondents [to] show cause as to why they should not be held in contempt of Court for transferring Petitioner out of the district, in violation of the Court's Order, (ECF No. 3)." *Id.* "If Petitioner has been transferred out of the district, Respondents must explain why the treatment could not be provided at a facility within the jurisdiction of this Court and why they moved Petitioner without providing opposing counsel or the Court notice." *Id.*

As set forth below, Federal Respondents respectfully submit that a finding of contempt is not warranted under the circumstances presented here. The transfer at issue occurred before the operative non-removal order applied to the newly named Federal Respondents, was undertaken in the course of routine detention management and to address Petitioner's medical needs, and did not divest this Court of jurisdiction over the pending habeas petition. Federal Respondents have endeavored to comply with the Court's orders and have taken steps to facilitate Petitioner's access to counsel.

## I. FACTUAL BACKGROUND

### A. The Court's Orders

Petitioner initiated this action by filing a Petition for Habeas Corpus on December 15, 2025. ECF No. 1-1. Following its screening of the Petition, on December 19, 2025, the Court issued an order appointing the Federal Public Defender ("FPD") to represent Petitioner and directed the FPD to file an amended petition within fourteen (14) days of the Order. ECF No. 3 at 3. The Clerk was directed to serve electronically serve the Order on the FPD. *Id.* The Court also ordered that that Mr. Mattos not remove Petitioner from the District and ordered the Clerk to mail a copy of the Petition and the December 19, 2025 Order to Mr. Mattos, at the Nevada Southern Detention. *Id.* at 4.

The FPD filed an Amended Petition for Habeas Corpus on January 15, 2026. ECF No. 9. The Amended Petition added the above-named Federal Respondents to this action. *Id.* On February 2, 2026, the Court issued a subsequent order addressing service of the FPD's Amended Petition on the now-named Federal Respondents. The Court directed the Clerk to send through CM/ECF, a copy of the Amended Petition (ECF No. 9) and the February 2, 2026 Order to the United States Attorney's Office for the District of Nevada. ECF No. 11 at 1. The Order directed Respondents to file a response to the Amended Petition within fourteen (14) days. *Id.* at 3. The February 2, 2026 Order also provided that "Petitioner shall not be transferred out of this District." *Id.* at 4.

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**B. Petitioner's Detention and Transfers**

Petitioner was detained on November 5, 2025, following his arrest for petty larceny. Following his detention, Petitioner was held at the Nevada Southern Detention Center ("NSDC"). On February 1, 2026, Petitioner was transferred to a detention facility in Arizona. On February 3, 2026, Petitioner was transferred to a detention facility in El Paso, Texas. Finally, on February 4, 2026, Petitioner was transferred to Columbia Care Center in South Carolina for in-patient mental health treatment.

The transfer was medically indicated due to Petitioner's required level of care and the clinical capabilities available at local facilities. Any ICE detainee requiring inpatient mental health care is referred to DHS's national resources to reduce the wait for access to care. Petitioner was accepted at Columbia Regional Care Center in Columbia, South Carolina and was transported there as a temporary placement while he received necessary mental health care.

On February 17, 2026, counsel for Federal Respondents provided Petitioner's counsel with information and instructions regarding how to contact and communicate with Petitioner at his current facility.

**II. ARGUMENT**

**A. The Newly Named Federal Respondents Were Not Subject to the Court's Non-Removal Order at the Time of the February 1, 2026 Transfer, and There Was No Intent to Defy the Court**

Federal Respondents did not act in defiance of the Court's orders. Critically, at the time Petitioner was transferred from NSDC on February 1, 2026, the Federal Respondents newly named in the Amended Petition were not yet subject to the Court's February 2, 2026 Order prohibiting Petitioner's removal from the District. The operative order extending the non-removal directive to the Federal Respondents—and directing service of the Amended Petition and Order on them via CM/ECF—was not issued until February 2, 2026.

Accordingly, the February 1 transfer preceded the issuance of the order that placed the Federal Respondents under a prohibition on removal from the District. Under settled

principles governing contempt, a party cannot be held in contempt for conduct that occurred before the issuance of a definite and specific court order applicable to that party. *See In re Dual–Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 695 (9th Cir. 1993). The sequence of events precludes a finding of contempt as to the February 1 transfer on the part of the Federal Respondents.

Even apart from the timing of the Court's February 2 Order, Federal Respondents did not act with any intent to evade the Court's authority. The February 1 transfer occurred as part of routine detention management and medical-placement processes and was not undertaken to frustrate judicial review, to impair Petitioner's access to counsel, or to circumvent the Court's jurisdiction.

**B. The Court Retains Jurisdiction Over Petitioner's Habeas Petition**

Under 8 U.S.C. § 1231(g)(1), the Attorney General (now the Secretary of Homeland Security) is authorized to "arrange for appropriate places of detention for aliens detained pending … a decision on removal." Courts have long recognized that this provision confers broad discretion over the location and transfer of immigration detainees. *See Comm. of Cent. Am. Refugees v. INS*, 795 F.2d 1434, 1440 (9th Cir.), *amended by* 807 F.2d 769 (9th Cir. 1986) (recognizing the Executive's "broad discretion … to choose the place of detention for deportable aliens"). Thus, absent a court order restricting transfer, DHS generally possesses statutory authority to determine the appropriate location of a detainee's custody.

That general authority, however, does not bear on this Court's jurisdiction over the pending habeas petition. Petitioner's subsequent physical transfer outside the District does not divest this Court of jurisdiction. Jurisdiction attached at the time the petition was filed, when Petitioner was detained within this District, and it remains intact notwithstanding any later transfer. *See Rumsfeld v. Padilla*, 542 U.S. 426, 442–43 (2004). Federal Respondents do not contend otherwise. The Court retains full authority to adjudicate Petitioner's claims and to order appropriate relief.

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**C. Petitioner's Transfer Was Medically Necessary and Within DHS's Statutory Authority to Ensure Adequate Care**

DHS is charged with the custody and care of detained noncitizens, including the obligation to provide necessary medical and mental health treatment. Where inpatient mental health services are required, DHS must utilize facilities capable of providing that level of care. There are no DHS-contracted inpatient mental health treatment facilities located within Nevada that can provide the required inpatient services. As a result, transfers to out-of-state facilities are sometimes medically necessary to ensure detainees receive appropriate and constitutionally adequate care. Petitioner's transfer for inpatient mental health treatment was undertaken to meet these obligations and was not punitive, retaliatory, or designed to frustrate judicial review.

**D. Respondents Have Facilitated Petitioner's Access to Counsel**

Respondents have taken steps to ensure Petitioner's counsel has meaningful access to her client notwithstanding his transfer. On February 17, 2026, Federal Respondents provided counsel with instructions and information necessary to contact Petitioner at his current facility. Federal Respondents remain available to assist with facilitating reasonable attorney access consistent with facility procedures.

## III. CONCLUSION

For the foregoing reasons, Federal Respondents respectfully submit that a finding of contempt would not be warranted on this record. The transfer at issue preceded the operative non-removal order as to the newly named Federal Respondents, was undertaken in the course of routine detention management and to address Petitioner's medical needs, and did not divest the Court of jurisdiction. Federal Respondents have taken steps to provide Petitioner's counsel with the means for reasonable access to Petitioner and have made information available to facilitate counsel's ability to communicate with her client.

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Federal Respondents respectfully request that the Court discharge the Order to Show Cause.

Respectfully submitted this 18th day of February 2026.

TODD BLANCHE
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SIGAL CHATTAH
First Assistant United States Attorney

*/s/ Summer A. Johnson*
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