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8 Attorneys for Petitioner Yancarlos Cartaya Benitez

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 Yancarlos Cartaya Benitez,

13 Petitioner,

14 v.

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

17 Respondents.
18
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Case No. 2:26-cv-00410-ART-BNW

Motion to Expedite Briefing Schedule

20 Yancarlos Cartaya Benitez, by and through counsel, Assistant Federal Public Defender
21 Allie Wilson, respectfully moves this Court to expedite the briefing schedule in this matter. Per
22 the Court's current scheduling order, the amended petition is due on March 11, 2026. ECF No. 3.
23 Mr. Cartaya has contemporaneously filed an amended petition. The government must file an
24 answer within fourteen days, and Mr. Cartaya must file any reply seven days after the answer.

25 In investigating the facts of this matter, it has become apparent that the government has
26 committed an egregious violation of Mr. Cartaya's substantive and procedural due process rights.
27 Mr. Cartaya is an asylum seeker from Cuba. He followed all the rules to seek asylum, arriving at

1 the U.S. border and claiming a credible fear in 2019. Although initially held in detention for
2 approximately one year, he was paroled into the United States in 2020. His asylum application was
3 denied by an immigration judge, after which he timely appealed to the BIA and to the Ninth
4 Circuit.¹ The Ninth Circuit appointed *pro bono* counsel and issued a stay of removal. Two years
5 into that appeal, after seeking multiple continuances of the deadline for its answer, the government
6 participated in mediation and moved to administratively close the case. Although the terms of the
7 closure allowed both parties retained the right to reopen appellate proceedings, the government
8 allowed Mr. Cartaya to live at liberty in the United States for years.

9 Mr. Cartaya was taken into ICE custody on or around August 25, 2026. He was transferred
10 from criminal custody after local charges against him were dismissed. At the time, however, there
11 were no active immigration proceedings against him. His appeal remained administratively closed
12 on the government's own motion. The government did not move to reopen his appeal until
13 November 17, 2025. Mr. Cartaya, therefore, sat in custody for three months before the government
14 took any steps at all to reopen his appeal. Since reopening the appeal, the government has taken
15 no further steps to resolve the appeal. The appellate proceedings appear to have stagnated, with a
16 stay of removal still in place.

17 Given these facts, Mr. Cartaya seeks to expedite these habeas proceedings to secure his
18 release. He moves the Court to advance the deadlines as follows:

- 19 1. Any answer by the government must be filed on or before March 18, 2026;
- 20 2. Any reply by the Petitioner must be filed on or before March 23, 2026.

21 Dated March 11, 2026.

22 Respectfully submitted,

23 Rene L. Valladares
24 Federal Public Defender

25 /s/ Allie Wilson

26 Allie Wilson
Assistant Federal Public Defender

27 ¹ See *Yancarlos Cartaya v. Merrick Garland*, Case No. 20-70129 (9th Cir. 2020).

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed on March 11, 2026. I personally served a true and correct copy of this motion to expedite by CM/ECF to the following individuals:

Virginia T. Tomova
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I further certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third-party commercial carrier for delivery within three calendar days, to the following people:

Yancarlos Cartaya Benitez Nevada Southern Detention Center 2190 E Mesquite Avenue Pahrump, NV 89060	John Mattos, Warden Nevada Southern Detention Center 2190 E Mesquite Avenue Pahrump, NV 89060
Pam Bondi Attorney General U.S. Department of Justice 950 Pennsylvania Ave, NW, Washington, DC, 20530	Todd Lyons 500 12th St SW Washington, DC 20536
Kristi Noem Secretary of the Department of Homeland Security 2707 Martin Luther King Jr. Ave SE, Washington, DC 20528	Michael Bernanke Salt Lake City ICE Field Office Director 2975 Decker Lake Drive, Ste 100 West Valley City, UT 84119
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/s/ Katrina Burden

Employee of the Federal Public Defender

