
IN THE SUPREME COURT OF THE STATE OF NEVADA

AMERICAN CIVIL LIBERTIES
UNION OF NEVADA, a domestic
nonprofit organization; SERGIO
MORAIS-HECHAVARRIA, an
individual,

Appellants,

v.

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, a
governmental entity; KEVIN
MCMAHILL, in his official capacity
as Las Vegas Metropolitan Police
Department Sheriff,

Respondents.

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CASE NO. 92479

APPELLANTS' APPENDIX
VOLUME I OF II

Appeal from Eighth Judicial District Court, Clark County
Case No. A-25-930343-W
Hon. Monica Trujillo, District Judge

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Chronological Index

Document	Docket No.	Date	Vol.	Page(s)
Petition for Writ of Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus	1	10/13/2025	I	AA001-AA059
Opening Brief in Support of Petition for Writ of Mandamus or, in the Alternative, Opening Brief in Support of Verified Petition for Writ of Habeas Corpus	3	10/13/2025	I	AA060-AA112
Notice of Change in Petitioner Sergio Morais-Hechavarria's Circumstances	7	10/23/2025	I	AA113-AA117
Affidavit of Service - Las Vegas Metropolitan Police Department	8	10/23/2025	I	AA118
Affidavit of Service - Las Vegas Metropolitan Police Department Sheriff Kevin McMahon	9	10/23/2025	I	AA119
Minute Order - No Hearing Held		10/27/2025	I	AA120
Respondents' Response to Petition for Writ of Mandamus or, in the Alternative, Verified Petition for Writ of Habeas Corpus	10	10/28/2025	I	AA121-AA226
Minute Order - No Hearing Held		10/29/2026	I	AA227-AA228
Minute Order - No Hearing Held		11/4/2026	I	AA229
Minute Order - No Hearing Held		11/10/2026	I	AA230

Reply in Support of Petition for Writ of Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus	22	11/19/2025	II	AA231-AA248
Recorder's Transcript of Hearing - Petition for Writ of Mandamus - November 26, 2025	28	12/9/2025	II	AA249-AA285
Supplemental Briefing in Support of Petition for Writ of Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus	29	12/17/2025	II	AA286-AA306
Respondents' Response to Supplemental Briefing	30	1/6/2026	II	AA307-AA329
Reply to Respondents' Response to Supplemental Briefing in Support of Petition for Writ of Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus	31	1/16/2026	II	AA330-AA340
Decision and Order	37	3/6/2026	II	AA341-AA352
Notice of Entry of Decision and Order	38	3/6/2026	II	AA353-AA368
Notice of Appeal	43	4/3/2026	II	AA369-AA384

Alphabetical Index

Document	Docket No.	Date	Vol.	Page(s)
Affidavit of Service - Las Vegas Metropolitan Police Department	8	10/23/2025	I	AA118
Affidavit of Service - Las Vegas Metropolitan Police Department Sheriff Kevin McMahon	9	10/23/2025	I	AA119
Decision and Order	37	3/6/2026	II	AA341-AA352
Minute Order - No Hearing Held		10/27/2025	I	AA120
Minute Order - No Hearing Held		10/29/2026	I	AA227-AA228
Minute Order - No Hearing Held		11/4/2026	I	AA229
Minute Order - No Hearing Held		11/10/2026	I	AA230
Notice of Appeal	43	4/3/2026	II	AA369-AA384
Notice of Change in Petitioner Sergio Morais-Hechavarria's Circumstances	7	10/23/2025	I	AA113-AA117
Notice of Entry of Decision and Order	38	3/6/2026	II	AA353-AA368
Opening Brief in Support of Petition for Writ of Mandamus or, in the Alternative, Opening Brief in Support of Verified Petition for Writ of Habeas Corpus	3	10/13/2025	I	AA060-AA112

Petition for Writ of Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus	1	10/13/2025	I	AA001-AA059
Recorder's Transcript of Hearing - Petition for Writ of Mandamus - November 26, 2025	28	12/9/2025	II	AA249-AA285
Reply in Support of Petition for Writ of Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus	22	11/19/2025	II	AA231-AA248
Reply to Respondents' Response to Supplemental Briefing in Support of Petition for Writ of Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus	31	1/16/2026	II	AA330-AA340
Respondents' Response to Supplemental Briefing	30	1/6/2026	II	AA307-AA329
Respondents' Response to Petition for Writ of Mandamus or, in the Alternative, Verified Petition for Writ of Habeas Corpus	10	10/28/2025	I	AA121-AA226
Supplemental Briefing in Support of Petition for Writ of Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus	29	12/17/2025	II	AA286-AA306

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Respectfully submitted this 17th day of September, 2026.

By: /s/ Christopher Peterson

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CERTIFICATE OF SERVICE

I certify that on September 17, 2026, I electronically filed the foregoing Appellants' Appendix Volume I of II with the Clerk of the Nevada Supreme Court by using the appellate electronic filing system and I served a true and correct copy of the same via the Court's e-service system.

/s/ Christopher M. Peterson
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13 **EIGHTH JUDICIAL DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 AMERICAN CIVIL LIBERTIES UNION OF
16 NEVADA, a domestic nonprofit organization;
17 SERGIO MORAIS-HECHAVARRIA, an
18 individual,

19 Petitioners,

20 vs.

21 LAS VEGAS METROPOLITAN POLICE
22 DEPARTMENT, a governmental entity; KEVIN
23 MCMAHILL, in his official capacity as Las Vegas
24 Metropolitan Police Department Sheriff,

Respondents.

Case No.:

Department:

**Petition for Writ of Mandamus Or,
in the Alternative, Verified Petition
for Writ of Habeas Corpus**

Hearing requested

19 Petitioners, American Civil Liberties Union of Nevada (“ACLU of Nevada”) and Sergio
20 Morais-Hechavarria, hereby submit this Petition for Writ of Mandamus or, in the alternative,
21 Petition for Writ of Habeas Corpus requesting that this Court intervene to lift any holds imposed
22 by the Clark County Detention Center (“CCDC”) on Petitioner Morais-Hechavarria based on ICE
23 administrative warrants, ICE detainers, or other enforcement of civil immigration law as such
24 holds are unlawful. Petitioners request this Court declare LVMPD’s 287(g) agreement with U.S.

1 Immigration and Customs Enforcement (“ICE”) unlawful under Nevada law and order LVMPD
2 to terminate the agreement and cease all actions taken pursuant to it. Petitioners also seek
3 reasonable costs and attorneys’ fees pursuant to NRS 34.270, or NRS 18.010 and NRS 18.050.

4 This Petition is supported by the pleadings and papers filed with this Court, and any
5 attached exhibits.

6 Petitioner hereby alleges:

7 **I. INTRODUCTION**

8 1. Section 287(g) of the Immigration and Nationality Act, codified at 8 U.S.C. § 1357,
9 authorizes the Attorney General to delegate immigration enforcement powers to a state or any
10 political subdivision of a state by entering into a written memorandum of agreement (“MOA” or
11 “MOU”) with that state or political subdivision of the state.

12 2. These agreements are frequently referred to as “287(g) agreements.”

13 3. On June 16, 2025, Sheriff McMahon, on behalf of Las Vegas Metropolitan Police
14 Department (“LVMPD”), unilaterally entered into a 287(g) agreement (“the Agreement”) with
15 U.S. Immigration and Customs Enforcement (“ICE”).

16 4. The Agreement purports to authorize LVMPD to serve and execute civil
17 immigration warrants on people at CCDC and hold people in detention pursuant to these warrants.

18 5. In Nevada, sheriffs and political subdivisions, such as LVMPD, have no existence
19 or powers except by grant of Nevada’s Legislature.

20 6. Under Article 4, Section 32 of the Nevada Constitution, the Legislature has the
21 “power to increase, diminish, consolidate or abolish” the office of county sheriffs and “shall
22 provide for their election by the people, and fix by law their duties and compensation.” Nev. Const.
23 art. IV, § 32.
24

1 7. Additionally, Nevada’s Supreme Court and the Nevada Legislature have both
2 embraced Dillon’s Rule, which provides that local government entities have no power or authority
3 except that which is expressly prescribed by the Legislature.

4 8. Sheriff McMahon and LVMPD’s execution of the Agreement was done unlawfully
5 without the express grant of Nevada’s Legislature and in violation of Nevada law in two distinct
6 ways.

7 9. First, the Agreement violates Nevada law because Nevada’s Legislature has not
8 authorized LVMPD to enter into 287(g) agreements.

9 10. The Nevada Legislature has determined when a county jail can house people on
10 behalf of the federal government, and the only statute authorizing a sheriff to enter into such a
11 contract is NRS 211.060.

12 11. NRS 211.060 expressly provides that county jails may house “prisoners” at the
13 request of the United States, but only upon payment of “all actual and reasonably necessary costs”
14 of such confinement. NRS 211.060.

15 12. Because the term “prisoner” as used in NRS 211.060 only applies to people
16 detained pending criminal proceedings, the provision does not apply to *civil* immigration
17 detainees, and Sheriff McMahon does not have the authority to enter into the 287(g) agreement or
18 any other contract to house immigration detainees for the federal government.

19 13. Even if the term “prisoner” as used in NRS 211.060 did apply to civil immigration
20 detainees, LVMPD violated NRS 211.060 and acted outside of its authority in violation of Dillon’s
21 Rule because the 287(g) agreement requires LVMPD to cover all costs associated with detaining
22 anyone held under the Agreement.

23 14. Second, the Agreement violates Nevada law because Nevada’s Legislature has not
24 granted LVMPD the authority to carry out the actions outlined in the Agreement.

1 15. The Agreement purports to authorize LVMPD to execute civil immigration
2 warrants within CCDC and to hold federal immigration detainees for up to 48 hours past the time
3 they would otherwise be released from criminal custody.

4 16. NRS 31.470 prohibits peace officers, which includes correction officers within
5 CCDC, from making arrests for civil violations unless the civil arrests fall within one of the
6 enumerated exceptions.

7 17. LVMPD officers acting pursuant to the Agreement violate NRS 31.470 because
8 they are executing civil arrest warrants and detaining people past the time they would otherwise
9 be released on criminal charges, and such civil arrests do not fall within one of the enumerated
10 exceptions.

11 18. Additionally, the Nevada Revised Statutes delineate a peace officers' arrest
12 authority in its entirety, and no provision authorizes peace officers to make arrests for civil
13 immigration violations.

14 19. As such, LVMPD and Sheriff McMahon, in entering and executing the Agreement,
15 violated Nevada law and exceeded the authority granted to them by the Nevada Legislature in
16 violation of Dillon's Rule.

17 20. Because the Agreement is unlawful, LVMPD's execution of civil immigration
18 warrants and detention of people past the time they would otherwise be released on criminal
19 charges constitute unauthorized and unreasonable seizures in violation of Article 1, Section 18 of
20 the Nevada Constitution.

21 21. Petitioner Morais-Hechavarria is being unlawfully detained because of the
22 Agreement.

23 22. LVMPD is holding Mr. Morais-Hechavarria in CCDC custody indefinitely due to
24 an ICE warrant, despite an order from a Nevada District Court judge that Mr. Morais-

1 Hechavarria's be directly transferred from CCDC to an inpatient treatment facility to carry out the
2 terms of his sentence in his criminal case.

3 23. Because LVMPD and Sheriff McMahon have neither the authority to enter into a
4 287(g) agreement with ICE, nor the authority to execute civil immigration warrants, there is no
5 legal justification for Petitioner Morais-Hechavarria's continued detention in CCDC.

6 24. The unlawful detention of people in CCDC due to ICE holds extends beyond
7 Petitioner Morais-Hechavarria as CCDC has received a total of 957 requests to hold people,
8 whether through detainers or administrative warrants, from ICE since January 1, 2025.

9 25. A Petition for a Writ of Mandamus is the proper means to challenge the unlawful
10 agreement between LVMPD and ICE, and any actions made pursuant to it.

11 26. There is no plain, speedy, and adequate remedy in the ordinary course of law to
12 challenge the Agreement and LVMPD's illegal detention of people who are arrested for
13 immigration violations, including the unlawful detention of Petitioner Morais-Hechavarria.

14 27. Whether a Sheriff can unilaterally enter into a 287(g) agreement with ICE, absent
15 the grant of authority to do so by the Nevada Legislature, presents an important legal question of
16 first impression that arises frequently.¹

17 28. In the alternative, Petitioners request a Writ of Habeas Corpus pursuant to NRS
18 34.360 so the Court may determine the legality of Petitioner Morais-Hechavarria's detention in
19 CCDC and lift the "ICE hold" that is preventing his release from CCDC custody.

20 /

21 /

22
23 ¹ In addition to Sheriff McMahon on behalf of LVMPD, the Sheriff's Offices in Douglas, Mineral,
24 and Lyon have all entered into 287(g) agreements with ICE this year. *See* U.S. Dept. of Homeland
Security, *287g Participating Agencies*, DELEGATION OF IMMIGRATION AUTHORITY
SECTION 287(G) IMMIGRATION NATIONALITY ACT (Sep. 25, 2025, 11:20 a.m.),
<https://www.ice.gov/identify-and-arrest/287g>.

II. PARTIES

29. Petitioner ACLU of Nevada is a domestic Nevada based nonprofit entity that works to defend and advance civil liberties and civil rights of all Nevadans.

30. Petitioner Morais-Hechavarria is an individual unlawfully detained in CCDC by LVMPD and Sheriff McMahon.

31. Respondent Las Vegas Metropolitan Police Department (LVMPD) is a governmental entity and political subdivision of Nevada with the power to be sued pursuant to NRS 12.105 and NRS 41.031.

32. Respondent Sheriff Kevin McMahon is the acting sheriff for Las Vegas Metropolitan Police Department. Respondent McMahon exercises physical control of detainees held at CCDC, 330 South Casino Center Blvd., Las Vegas, Nevada, 89101, and is the legal custodian of Petitioner Morais-Hechavarria. He is sued in his official capacity.

III. JURISDICTION AND VENUE

33. This Court has jurisdiction to issue writs of mandamus and writs of habeas corpus. *See Nev. Const. art. VI, § 6; NRS 34.160; NRS 34.330.*

34. This Court has jurisdiction as the court of Clark County because the transactions and occurrences that give rise to Petitioners' claims against Respondents occurred in Clark County, Nevada. *See NRS 14.065.*

35. This Court also has jurisdiction as the court of Clark County because Petitioner Morais-Hechavarria is held in custody at the Clark County Detention Center located in Clark County, Nevada. *Nev. Const. art. VI, § 6.*

36. Venue is proper in the Eighth Judicial District Court of Nevada as Petitioner Morais-Hechavarria is detained at 330 South Casino Center Blvd., Las Vegas, Nevada, 89101, which is within the geographic jurisdiction of the Eighth Judicial Court of Nevada and the cause,

1 or some part thereof, arose in Clark County, Nevada. *See* NRS 13.020; NRS 13.040. Additionally,
2 the Respondents operate/reside in Clark County.

3 **IV. STANDING**

4 37. Petitioners have standing in this mandamus proceeding because they have a
5 beneficial interest in obtaining writ relief. *Heller v. Legislature of Nev.*, 120 Nev. 456, 460–61, 93
6 P.3d 746, 749 (2004).

7 38. "To demonstrate a beneficial interest . . . , a party must show a direct and substantial
8 interest that falls within the zone of interests to be protected by the legal duty asserted." *Id.*

9 39. Petitioner Morais-Hechavarria, as a person who is being unlawfully detained at
10 CCDC because of the Agreement, has a direct and substantial interest in obtaining writ relief.

11 40. If Petitioner Morais-Hechavarria does not have standing, Petitioner ACLU of
12 Nevada has standing pursuant to the public importance doctrine recognized in *Nev. Pol'y. Rsch.*
13 *Inst., Inc. v. Cannizzaro*, 507 P.3d 1203, 1207-08 (Nev. 2022).

14 41. The public-importance doctrine applies where "(1) [a] case presents 'an issue of
15 significant public importance,'" (2) "the plaintiff is an 'appropriate' party to bring the action," and
16 (3) among other narrow circumstances, "where a plaintiff seeks vindication of the Nevada
17 Constitution's separation-of-powers clause". *Id.* (citing and expanding *Schwartz v. Lopez*, 132
18 Nev. 732, 743, 382 P.3d 886, 894–95 (2016)).

19 42. The public-importance doctrine serves as an "exception" to the traditional
20 requirement that a plaintiff show a "personal injury," and by implication, that the plaintiff connect
21 that injury to the challenged action. *See Schwartz*, 132 Nev. at 743, 382 P.3d at 894–95.

22 43. This case involves issues of significant public importance because it impacts a vast
23 number of people in Nevada who are being unlawfully detained by LVMPD with no recourse to
24 challenge their detention.

1 44. Many people held in LVMPD custody because of “ICE holds” are unaware of the
2 unlawful detention until it is too late for a court to provide relief due to the short-lived nature of
3 immigration detainees.

4 45. As of September 1, 2025, LVMPD received a total of 957 requests from ICE to
5 detain people held at CCDC. Exhibit 4.²

6 46. The issue of whether a sheriff, an executive branch actor, can enter into an
7 agreement with a federal agency to enforce federal immigration laws and conduct civil
8 immigration arrests absent the grant of authority from the Nevada Legislature or in direct
9 contradiction of the powers granted to them by the Nevada Legislature raises “separation-of-
10 powers questions ‘as a matter of controlling necessity’”. *Cannizzaro*, 507 P.3d at 1208 (citing *State*
11 *ex rel. Coll v. Johnson*, 990 P.2d 1277, 1284 (N.M. 1999)).

12 47. This issue is likely to recur, as LVMPD joins Douglas, Mineral, and Lyon County
13 Sheriff’s Office in its execution of such agreements,³ and as discussed above, CCDC has received
14 hundreds of administrative warrants or requests to hold people from ICE.

15 48. A court ruling on Petitioners’ claims is necessary for future guidance.

16 49. Petitioner ACLU of Nevada is the appropriate party to bring the suit because it has
17 a direct interest in procuring the enforcement of LVMPD’s public duty to not act outside of the
18 authority granted to it by the Nevada Legislature. In other words, ACLU of Nevada has a direct
19 interest in litigating LVMPD’s unilateral decision to enter into a 287(g) agreement which exceeded
20 its authority and usurped the Nevada Legislature’s “power to increase, diminish, consolidate or
21

22
23 ² The numbers reflected in the DSD Immigration report include requests by ICE to LVMPD
before a 287(g) agreement was executed.

24 ³ See U.S. Dept. of Homeland Security, *287g Participating Agencies*, DELEGATION OF
IMMIGRATION AUTHORITY SECTION 287(G) IMMIGRATION NATIONALITY ACT
(Sep. 25, 2025, 11:20 a.m.), <https://www.ice.gov/identify-and-arrest/287g>.

abolish the office of county sheriffs and [...] fix by law their duties” as provided in Article 4, Section 32 of the Nevada Constitution. Nev. Const. art. IV, § 32.

50. As such, if Petitioner Morais-Hechavarria is not the appropriate party to bring suit, there is no one besides the ACLU of Nevada in a better position to bring an action that is fully capable of advocating its position in court.

V. LEGAL STANDARD

A. Writ of Mandamus

51. “Extraordinary writ relief may be available where there is no ‘plain, speedy, and adequate remedy in the ordinary course of law.’” *Segovia v. Eighth Jud. Dist. Court*, 133 Nev. 910, 912, 407 P.3d 783, 785 (2017) (quoting NRS 34.170 and NRS 34.330).

52. “A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust or station, or to control a manifest abuse or an arbitrary or capricious exercise of discretion.” *Id.*

53. While an “extraordinary remedy,” it is within the court’s sole discretion to determine when such relief is proper. *Id.* Even when a legal remedy is available, the court can “still entertain a petition for writ ‘relief where the circumstances reveal urgency and strong necessity.’” *Id.* (quoting *Barngrover v. Fourth Jud. Dist. Ct.*, 115 Nev. 104, 111, 979 P.2d 216, 220 (1999)).

54. The court will generally exercise its discretion to consider an extraordinary writ where an important legal issue that needs clarification is raised in order to promote judicial economy and administration. *State Office of the Att’y Gen. v. Just. Ct. of Las Vegas Twp.*, 133 Nev. 78, 80, 392 P.3d 170, 172 (2017) (quoting *State v. Eighth Jud. Dist. Ct.*, 129 Nev. 492, 497, 306 P.3d 369, 373 (2013)).

55. When a petition for extraordinary relief “involves a question of first impression that arises with some frequency, the interests of sound judicial economy and administration favor

1 consideration of the petition.” *A.J. v. Eighth Jud. Dist. Ct.*, 133 Nev. 202, 204–05, 394 P.3d 1209,
2 1212 (2017) (quoting *Cote H. v. Eighth Jud. Dist. Ct.*, 124 Nev. 36, 39, 175 P.3d 906, 908 (2008)).

3 **B. Writ of Habeas Corpus**

4 56. In the alternative, Petitioner Morais-Hechavarria seeks relief by writ of habeas
5 corpus.

6 57. NRS 34.360 provides: “Every person unlawfully committed, detained, confined or
7 restrained of his or her liberty, under any pretense whatever, may prosecute a writ of habeas corpus
8 to inquire into the cause of such imprisonment or restraint.”

9 58. Issuance of the writ requires production of the petitioner to determine the legality
10 of the petitioner’s custody or restraint. NRS 34.390(2).

11 59. “If no legal cause be shown for such imprisonment or restraint, or for the
12 continuation thereof, such judge shall discharge such party from the custody or restraint under
13 which the party is held.” NRS 34.480.

14 60. Where it appears issuance of a writ of habeas corpus is proper, the judge shall grant
15 the writ without delay. NRS 34.390(1).

16 61. The Supreme Court of Nevada has held that habeas corpus relief has been expanded
17 “to allow the presentation of questions of law that cannot otherwise be reviewed, or that are so
18 important as to render ordinary procedure inadequate and justify the extraordinary remedy.”
19 *Roberts v. Hocker*, 85 Nev. 390, 392, 456 P.2d 425, 426-27 (1969) (quoting *State v. Fogliani*, 82
20 Nev. 300, 417 P.2d 148 (1966)).

21 62. This expansion includes cases that seek to test the constitutionality of an ordinance
22 while on bail (*Ex parte Philipie*, 82 Nev. 215, 414 P.2d 949 (1966)); to test unlawful restraint
23 (*Garnick v. Miller*, 81 Nev. 372, 403 P.2d 850 (1965)); to challenge sufficiency of probable cause
24 for trial while on bail (*Jacobson v. State*, 89 Nev. 197, 510 P.2d 856 (1973)); or to test the legality

1 of a parole board's order to hold for extradition (*Roberts*, 85 Nev. 390, 456 P.2d 425). Nev. Dep't
2 of Prisons v. Arndt, 98 Nev. 84, 85-86, 640 P.2d 1318, 1319 (1982) (highlighting cases).

3 **VI. STATEMENT OF FACTS**

4 **A. The Immigration and Nationality Act and 287(g) Agreements**

5 63. Section 287(g) of the Immigration and Nationality Act, codified as 8 U.S.C. § 1357,
6 authorizes the Attorney General to delegate immigration enforcement powers to a state or any
7 political subdivision of a state by entering into a written memorandum of agreement (“MOA” or
8 “MOU”) with that state or political subdivision of the state.

9 64. The formal agreements are commonly referred to as “287(g) agreements.”

10 65. Under a 287(g) agreement, U.S. Immigration and Customs Enforcement (“ICE”),
11 trains, certifies, and authorizes local law enforcement officers to perform certain immigration
12 enforcement functions under the supervision of an ICE officer. Ex. 1 at 1.

13 66. There are three different types of 287(g) programs: 1) the task force model; 2) the
14 warrant service officer program; and 3) the jail enforcement model.⁴

15 67. Despite the Attorney General’s authority to delegate these powers to a state or
16 political subdivision, immigration enforcement activities under Section 287(g) are carried out at
17 the “expense of the State or political subdivision.” *See* 8 USC § 1357(g)(1).

18 **B. LVMPD’s 287(g) agreement with ICE**

19 68. The Agreement was executed on June 16, 2025, after Sheriff McMahon and an ICE
20 official signed the contract. Ex. 1 at 7, MOA.

21 69. The Agreement is specifically for the Warrant Service Officer Program, under
22 which ICE trains and certifies local officers to serve and execute “warrants of arrest” and “warrants
23 of removal” on people who are in LVMPD custody. Ex. 1 at 1–2, 8.

24 ⁴ *See Partner With ICE Through 287(g) Program*, “3 Ways Your Agency Can Help”, U.S.
Immigration and Customs Enforcement, (updated July 15, 2025), <https://www.ice.gov/287g>.

1 70. The Agreement purports to delegate to LVMPD the following authorities:

- 2 • The power and authority to serve and execute warrants of arrest for
3 immigration violations, 8 U.S.C. § 1357(a) and 8 C.F.R. § 287(e)(3), on
4 designated aliens in [LVMPD] jail/correctional facilities at the time of
5 the alien’s scheduled release from criminal custody in order to transfer
6 custody of the alien to ICE; and
- 7 • The power and authority to serve and execute warrants of removal, 8
8 U.S.C. § 1357(a) and 8 C.F.R. §§ 241.2(b)(2), 287.5(e)(3), on
9 designated aliens in [LVMPD] jail/correctional facilities at the time of
10 the alien’s scheduled release from criminal custody that executes the
11 custodial transfer of the alien to ICE for removal purposes.

12 Ex. 1 at 1–2, 8.

13 71. An ICE “warrant for removal/deportation” is issued by a federal immigration
14 officer directing “any immigration officer of the United States Department of Homeland Security
15 [...] to take into custody and remove from the United States the named “alien” in the document.
16 See Ex. 2.

17 72. An ICE “warrant of arrest” is used when the individual named in the warrant is
18 determined to be “removable” but is not yet subject to a final order of removal. See Ex. 3.

19 73. These warrants are administrative in nature, rather than judicial, as they are signed
20 by ICE officials rather than a judge. See 8 C.F.R. § 287.5(e)(2) (2025).

21 74. These warrants frequently accompany ICE detainers, which are documents issued
22 by ICE asking a state agency to notify them about an arrested person’s impending release and to
23 voluntarily hold the person after they would otherwise be entitled to release from state custody.⁵

24 75. Pursuant to the Agreement, LVMPD serves civil immigration warrants upon people
in their custody and then holds them for up to 48 hours so they can be transferred to ICE. Ex. 1 at
8.

⁵ ICE Annual Report – FY 2024, at 20, U.S. Immigration and Customs Enforcement, (December 19, 2024), available at [iceAnnualReportFY2024.pdf](#). See also 8 CFR. § 287.7(a); *Lunn v. Commonwealth*, 477 Mass. 517, 524 n.17 (2017) (noting “Immigration Detainers” must be accompanied by Form I 200 “Warrant for Arrest of Alien” or Form I 205 “Warrant of Removal/Detention”).

1 76. As of September 1, 2025, LVMPD received a total of 957 requests from ICE for
2 the year 2025. Ex. 4.

3 77. The existence of an ICE warrant, or “ICE Hold”, prevents a person’s release even
4 if they post bond on their criminal charges or are ordered to home incarceration as part of pre-trial
5 monitoring on their state criminal charges.

6 78. And, in situations like Petitioner Morais-Hechavarria’s, the ICE warrant prevents
7 release from CCDC even if a district court judge orders that person to be directly transferred to an
8 inpatient treatment facility. Ex. 5.

9 79. At the same time, the order of the district court judge to directly transfer a person
10 to inpatient care from CCDC prevents the person’s release to ICE, purportedly due to LVMPD’s
11 belief that such an order indicates that the criminal case is still active. *Id.*

12 80. Thus, persons such as Petitioner Morais-Hechavarria cannot be released to ICE nor
13 transferred to inpatient care and are confined indefinitely. *See id.*

14 81. While LVMPD houses people for ICE, the Agreement does not provide any
15 compensation from the Federal Government for the costs related to these detentions. *See* Ex. 1 at
16 3, 8.

17 82. Rather, the Agreement requires LVMPD to cover nearly all the costs and
18 expenditures related to carrying out the terms of the Agreement including, personnel expenses,
19 local transportation, and training costs. Ex. 1 at 3-4.

20 **C. Petitioner Morais Hechavarria’s Facts**

21 83. Petitioner Morais-Hechavarria was arrested on state criminal charges and entered a
22 plea on July 8, 2025, in case number C-25-392542-1. Ex. 6.

23 84. On August 19, 2025, the court in that matter ordered Mr. Morais-Hechavarria to an
24 inpatient treatment program as part of his criminal sentence. *Id.*

1 85. That court ordered that Mr. Morais-Hechavarria remain in custody at CCDC
2 pending Parole and Probation transport to inpatient treatment. *Id.*

3 86. On August 19, 2025, a social worker for the Clark County Public Defender’s Office
4 reached out to CCDC regarding Mr. Morais-Hechavarria’s referral and stated that he was “ready
5 to go” as soon as a bed was available. Ex. 5 at 2.

6 87. An employee from LVMPD responded and stated that Mr. Morais-Hechavarria had
7 an ICE warrant and because of that warrant, CCDC would not release him to inpatient treatment.
8 Ex. 5 at 1-2.

9 88. According to the LVMPD employee, Mr. Morais-Hechavarria could not be released
10 unless the District Court Order for inpatient treatment was “rescinded.” Ex. 5 at 1.

11 89. Petitioner Morais-Hechavarria is still detained in CCDC with no projected release
12 date.

13 90. Petitioner Morais-Hechavarria will remain in CCDC indefinitely without this
14 Court’s intervention.

15 **D. ACLU of Nevada Facts**

16 91. Petitioner American Civil Liberties Union of Nevada is a nonpartisan nonprofit
17 organization that works to defend and advance civil liberties and civil rights of all Nevadans. Ex.
18 7.

19 92. As the guardian of civil liberties of all Nevadans for over 55 years, and with more
20 than 5,000 members in the State of Nevada, preventing constitutional and statutory violations is
21 of substantial interest to ACLU of Nevada. *Id.*

22 93. As part of this mission, ACLU of Nevada has a direct interest in ensuring LVMPD
23 does not act outside the authority granted to it by the Nevada Legislature. *Id.*
24

94. In addition, ACLU of Nevada is committed to protecting the liberty interests of all individuals and has expressly and persistently engaged in advocacy, litigation, and “Know Your Rights” trainings related to immigration law and enforcement. *Id.*

VII. LEGAL AUTHORITY

A. Article 4, Section 32 of the Nevada Constitution and Dillon's Rule

95. Article 4, Section 32 of the Nevada Constitution states that the Legislature has the “power to increase, diminish, consolidate or abolish” the office of county sheriffs and “shall provide for their election by the people, and fix by law their duties and compensation.” Nev. Const. art. IV, § 32.

96. Beyond this is Nevada courts' longstanding application of Dillon's Rule, which defines and limits the powers of county, city, and local governments. *See Ronnow v. Las Vegas*, 57 Nev. 332, 342–43, 65 P.2d 133, 136 (1937) (applying Dillon's Rule to municipal corporations); *Flores v. Las Vegas-Clark Cnty. Library Dist.*, 134 Nev. 827, 833 n.7, 432 P.3d 173, 178 (2018) (noting application of Dillon's Rule to local government); The Nevada Association of Counties, *The Nevada County Commissioner Handbook*, 6 (2020) ("Nevada is a Dillon's Rule State, meaning that unless the power to do something has been expressly granted to the county by the state legislature through the adoption of a statute, they do not possess it.").

97. Under Dillon's Rule, local government entities have only those powers (1) granted in express words by the Nevada Constitution, statute, or city charter; (2) necessarily or fairly implied in the powers expressly granted; or (3) all other powers essential to the accomplishment of declared objects and purposes of the corporation that are not merely convenient but indispensable. *See Ronnow*, 57 Nev. at 343, 62 P.2d at 136.

98. “[M]unicipal corporations have no powers but those which are delegated to them by the charter or law creating them; that the powers expressly given and the necessary means of

1 employing those powers constitute the limits of their authority. It is conceded that beyond this they
2 can have no active existence, and can do no act which the law can recognize as valid and obligatory
3 upon them.” *Id.* at 341-342, 62 P.2d at 136 (quoting *Tucker v. Virginia City*, 4 Nev. 20, 26 (1868)).

4 **B. Article 1, Section 18 of the Nevada Constitution**

5 99. Article 1, Section 18 of the Nevada Constitution provides:

6 [t]he right of the people to be secure in their persons, houses, papers and
7 effects against unreasonable seizures and searches shall not be violated; and
8 no warrant shall issue but on probable cause, supported by Oath or
Affirmation, particularly describing the place or places to be searched, and
the person or persons, and thing or things to be seized.

9 100. This is Nevada's counterpart to the Fourth Amendment of the United States
10 Constitution. U.S. Const. amend. IV.

11 101. However, "states are free to interpret their own constitutional provisions as
12 providing greater protections than analogous federal provisions." *State v. Bayard*, 119 Nev. 241,
13 246, 71 P.3d 498, 502 (2003).

14 102. Where an arrest is made in violation of Nevada law, the arrest violates a person's
15 "right to be free from unlawful searches and seizures under Article 1, Section 18, even if the arrest
16 does not offend the Fourth Amendment." *See id.* at 247, 71 P.3d at 502.

17 103. Therefore, a search and seizure may violate Article 1, Section 18 of the Nevada
18 Constitution even though it is constitutional under the Fourth Amendment. *Id.*

19 **C. NRS 211.060**

20 104. The Nevada Legislature has considered and passed laws delineating when a sheriff
21 can execute a contract with the federal government.

22 105. The only statute that permits a sheriff to execute a contract with the federal
23 government to detain people on behalf of the United States is NRS 211.060.

24 106. NRS 211.060, titled "Detention of United States prisoners in county jails", states:

1 A person may be committed under the authority of the United States to any
2 county jail if a contract has been concluded between the United States and
3 the sheriff of the county, upon payment of:

4 (a) All actual and reasonably necessary costs of his or her confinement,
5 including the direct cost of his or her support and an allocated share of the
6 cost of maintaining the jail and guarding the prisoners, as compensation to
7 the county for the use of the jail; and

8 (b) All legal fees of the jailer.

9 107. Fundamentally, NRS 211.060 imposes two requirements for housing people on
10 behalf of the federal government at county jails 1) the people must be prisoners and 2) the federal
11 government must pay all actual and reasonably necessary costs.

12 **D. Nevada law on civil arrests**

13 108. “[A]s a general rule, it is not a crime for a removable alien to remain present in the
14 United States.” *Melendres v. Arpaio*, 695 F.3d 990, 1000 (9th Cir. 2012) (quoting *Arizona v. United*
15 *States*, 567 U.S. 387, 407 (2012)), and it is a civil violation that subjects the individual to removal.
16 *Gonzales v. City of Peoria*, 722 F.2d 468, 476-77 (9th Cir. 1983), overruled on other grounds,
17 *Hodgers-Durkin v. De La Vina*, 199 F.3d 1037, 1040 n.1 (9th Cir. 1999).

18 109. Holding someone in custody despite their release on criminal charges constitutes
19 an arrest under Nevada law. *See* NRS 171.104 (“An arrest is the taking of a person into custody in
20 a case and in the manner authorized by law.”). *See also United States v. Place*, 462 U.S. 696, 709-
21 10 (1983) (observing that Supreme Court has never held detention of 90 minutes or more to be
22 anything short of arrest).

23 110. The Nevada Legislature has expressly considered the limited circumstances where
24 civil arrests are permitted.

111. NRS 31.470 states: “No person shall be arrested in a civil action except as
prescribed by this chapter.”

112. NRS 31.480 prescribes five limited exceptions to this prohibition:

1 1) In an action for the recovery of money or damages on a cause of action
2 arising upon contract, express or implied, when the defendant is about to
3 depart from the State with intent to defraud the defendant's creditors, or
4 when the action is for libel or slander.

5 2) In an action for a fine or penalty, or for money or property embezzled, or
6 fraudulently misapplied or converted to his or her own use by a public
7 officer, or an officer of a corporation, or an attorney, factor, broker, agent
8 or clerk in the course of his or her employment as such or by any other
9 person in a fiduciary capacity, or for misconduct or neglect in office, or in
10 professional employment, or for a willful violation of duty.

11 3) In an action to recover the possession of personal property unjustly
12 detained, when the property, or any part thereof, has been concealed,
13 removed, or disposed of so that it cannot be found or taken by the sheriff.

14 4) When the defendant has been guilty of a fraud in contracting the debt or
15 incurring the obligation for which the action is brought, or in concealing or
16 disposing of the property, for the taking, detention or conversion of which
17 the action is brought.

18 5) When the defendant has removed or disposed of the defendant's property,
19 or is about to do so, with intent to defraud the defendant's creditors.

20 113. Notably, in NRS 228.206(1), the Nevada Legislature signaled intent to preclude
21 such a power when it directed the Attorney General to draft model policies for law enforcement
22 agencies that prioritize recommendations that "limit, to the fullest extent practicable and consistent
23 with any applicable law, the engagement of state or local law enforcement agencies with federal
24 immigration authorities for the purpose of immigration enforcement." NRS 228.206(1).

114. The Attorney General's Office complied with the mandate and published model
policies, which relied on NRS 31.470 to generally prohibit peace officers from making arrests in
non-criminal matters, including civil immigration arrests.⁶

/

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⁶ Office of the Attorney General (2025), Model Immigration Policies,
<https://ag.nv.gov/uploadedFiles/agnv.gov/Content/Issues/OAG%20Model%20Immigration%20Policies%20-%202.24.25.pdf>

1 **E. NRS 171.124**

2 115. The authority of Nevada peace officers is limited to the express authority granted
3 to them under Nevada law. *See Ronnow*, 57 Nev. at 343, 65 P.2d at 136 (neither the municipal
4 corporation nor its officers can do any act not authorized by legislative act).

5 116. In Nevada, sheriffs of counties, their deputies, and correctional officers have the
6 powers of peace officers. *See* NRS 289.150.

7 117. NRS 171.124 prescribes the powers of peace officers, and states:

8 [A] peace officer...may make an arrest in obedience to a warrant delivered
9 to him or her, or may, without warrant, arrest a person:

10 (a) For a public offense committed or attempted in the officer's presence.

11 (b) When a person arrested has committed a felony or gross misdemeanor,
12 although not in the officer's presence.

13 (c) When a felony or gross misdemeanor has in fact been committed, and
14 the officer has reasonable cause for believing the person arrested to have
15 committed it.

16 (d) On a charge made, upon reasonable cause, of the commission of a felony
17 or gross misdemeanor by the person arrested.

18 (e) When a warrant has in fact been issued in this State for the arrest of a
19 named or described person for a public offense, and the officer has
20 reasonable cause to believe that the person arrested is the person so named
21 or described.

22 **VIII. CLAIMS FOR RELIEF**

23 **FIRST CLAIM FOR RELIEF**

24 **Writ of Mandamus or, in the alternative, Writ of Habeas Corpus:**

Violation of NRS 211.060

(Unlawfully Housing People on Behalf of the United States)

118. Petitioners re-allege and incorporate each and every allegation contained in the
paragraphs above as if fully set forth herein.

1 119. The Nevada Legislature has considered and passed laws dictating when sheriffs of
2 county jails may contract to house people on behalf of the United States.

3 120. NRS 211.060 is the only statute that grants the sheriff of a county the power to
4 contract with the federal government to house federal prisoners in the county jails.

5 121. NRS 211.060 grants sheriffs the authority to house “prisoners” on behalf of the
6 federal government at county jails, and only upon payment of “all actual and reasonably necessary
7 costs.” NRS 211.060.

8 122. NRS 208.085, which applies to statutes in Title 16 of the Nevada Revised Statutes
9 including NRS 211.060, defines “prisoners” as any person held in custody under process of law or
10 under lawful arrest.

11 123. The Nevada Supreme Court has held that the definition of “prisoner” in NRS
12 208.085 was intended to apply solely in the criminal context. *See Robinson v. State*, 117 Nev. 97,
13 99, 17 P.3d 420, 422 (2001) (“the term ‘prisoner’ only applies to individuals in custody for criminal
14 conduct, and not to persons in civil protective custody.”).

15 124. The authority to hold “prisoners” on behalf of the United States does not include
16 detainees that are held for *civil* immigration violations.

17 125. Therefore, Sheriff McMahon and LVMPD have no authority under Nevada law to
18 enter into a contract with the federal government to house immigration detainees at CCDC.

19 126. However, if holding “prisoners” on behalf of the United States includes federal
20 immigration detainees, any such contract between the United States and Sheriff McMahon would
21 need to satisfy the payment requirements of NRS 211.060.

22 127. The Agreement provides that the local agency will house detainees up to 48 hours
23 until transferred into an ICE field office or immigration detention facility.
24

1 128. The Agreement does not contain a provision that the federal government will pay
2 for “all actual and reasonably necessary costs” of an immigration detainee’s confinement, which
3 would include payment for maintaining the jail and guarding the prisoners.

4 129. Rather, the Agreement requires LVMPD to bear nearly all the costs, including costs
5 associated with housing the detainees past the time they would otherwise be released from
6 LVMPD custody.

7 130. This is a direct violation of NRS 211.060, and in either instance, the Agreement is
8 unlawful.

9 131. Because LVMPD’s continued detention of Petitioner Morais-Hechavarria is done
10 pursuant to the Agreement that directly violates NRS 211.060, there is no legal basis for Petitioner
11 Morais-Hechavarria’s detention at CCDC.

12 **SECOND CLAIM FOR RELIEF**

13 **Writ of Mandamus or, in the alternative, Writ of Habeas Corpus:**

14 **Violation of Dillon’s Rule**

15 **(Unlawfully Entering into the Agreement Without Grant of Power by Nevada’s**
16 **Legislature)**

17 132. Petitioners reallege and incorporate by reference each and every allegation in the
18 paragraphs above as if fully set forth herein.

19 133. Sheriff McMahill and LVMPD’s existence and powers do not exist except by grant
20 by Nevada’s Legislature. *See Ronnow*, 57 Nev. at 342–43, 65 P.2d at 136.

21 134. NRS 280.280 states that every power and duty conferred or imposed by law upon
22 a county sheriff which relates to law enforcement devolves automatically upon LVMPD. NRS
23 280.280.

24 135. The statutes the Nevada Legislature has passed governing the powers and duties of
county sheriffs do not confer upon them the authority to enter into 287(g) agreements with the
federal government to enforce civil immigration laws. *See* Chapter 248 of the NRS (outlining the

1 duties and powers of sheriffs; no provision granting the power to enter into agreements with the
2 federal government to enforce federal civil immigration laws by conducting civil arrests).

3 136. If the Nevada Legislature intended to authorize Sheriff McMahon and LVMPD to
4 enter into 287(g) agreements with ICE, it would have expressly done so.

5 137. By comparison, other state legislatures have expressly authorized sheriffs to enter
6 into agreements authorizing enforcement of federal immigration law. *See e.g.*, Ark. Code Ann. §
7 12-41-512 (2024) (enacted bill authorizing a county sheriff in charge of a county jail to choose
8 whether to participate in the Jail Enforcement Model 287(g) agreement).

9 138. Because Sheriff McMahon and LVMPD lack the authority to enter into a 287(g)
10 agreement with ICE, their actions exceed the authority granted to them in violation of Dillon's
11 Rule and are thus void.

12 139. Therefore, there is no legal basis for Petitioner Morais-Hechavarria's continued
13 detention.

14 **THIRD CLAIM FOR RELIEF**

15 **Writ of Mandamus or, in the alternative, Writ of Habeas Corpus:**
16 **Violation of Art. 1, § 18 of the Nevada Constitution and NRS 31.470**
(Unlawfully Conducting Civil Arrests)

17 140. Petitioner realleges and incorporates by reference each and every allegation in the
18 paragraphs above as if fully set forth herein.

19 141. Immigration enforcement is civil in nature, and "illegal presence in the country,
20 standing alone, is not a crime." *People ex rel. Wells v. DeMarco*, 168 A.D.3d 31, 40 (N.Y. App.
21 Div. 2018) (citing 8 USC § 1227(a)(1)(B)); *Melendres*, 695 F.3d at 1000).

22 142. Under Nevada law, holding someone in custody despite their release constitutes an
23 arrest. *See* NRS 171.104.

1 143. This is true no matter how temporary the detention may be. *See* NRS 171.123 (“A
2 person must not be detained longer than is reasonably necessary to effect the purposes of this
3 section, and in no event longer than 60 minutes.”); *Place*, 462 U.S. at 709-10 (observing that
4 Supreme Court has never held detention of 90 minutes or more to be anything short of arrest).

5 144. Several courts have held that continued detention for a new reason, including
6 pursuant to immigration detainers that are accompanied by ICE warrants of arrest or removal,
7 constitutes a new seizure. *See e.g., Cisneros v. Elder*, No. 18CV30549, 2018 Colo. Dist. LEXIS
8 3388, at *16 (finding continued detention of inmate under immigration detainer after release date
9 constitutes an arrest and seizure) (collecting cases).

10 145. The Nevada Legislature has expressly considered the limited circumstances where
11 civil arrests are permitted.

12 146. NRS 31.470 states: “No person shall be arrested in a civil action except as
13 prescribed by this chapter.”

14 147. None of the enumerated exceptions to the prohibition in NRS 31.470 authorize
15 arrests for civil immigration violations. *See* NRS 31.480.

16 148. LVMPD’s 287(g) agreement with ICE purports to grant LVMPD the authority to
17 serve and execute ICE warrants of arrest and warrants of removal, and to detain individuals
18 arrested for immigration violations for up to 48 hours past the time they would otherwise be
19 released from LVMPD custody.

20 149. Because such immigration enforcement is a civil administrative matter and
21 LVMPD is executing ICE administrative warrants for civil violations that are not listed as an
22 exception in NRS 31.480, any arrests conducted by LVMPD pursuant to their agreement with ICE
23 directly violate NRS 31.470.
24

150. LVMPD violated NRS 31.470 by placing a hold on the release of Petitioner Morais-Hechavarria pursuant to a request from ICE via an administrative warrant and remains in violation of NRS 31.470 by refusing to release him to be directly transferred to a treatment facility.

151. Where an arrest is made in violation of Nevada law, the arrest violates a person’s “right to be free from unlawful searches and seizures under Article 1, Section 18, even if the arrest does not offend the Fourth Amendment.” *See Bayard*, 119 Nev. at 247, 71 P.3d at 502.

152. Because Petitioner Morais-Hechavarria's arrest was made pursuant to LVMPD's invalid Agreement in violation of Nevada law, it constitutes an unreasonable seizure in violation of Article 1, Section 18 of the Nevada Constitution.

FOURTH CLAIM FOR RELIEF

**Writ of Mandamus or, in the alternative, Writ of Habeas Corpus:
Violation of Dillon's Rule and Art. 1, § 18 of the Nevada Constitution
(Executing Immigration Arrests without Authorization from the Nevada Legislature)**

153. Petitioner realleges and incorporates by reference each and every allegation in the paragraphs above as if fully set forth herein.

154. In Nevada, sheriffs of counties, their deputies, and correctional officers have the powers of peace officers. *See* NRS 289.150.

155. The authority of Nevada peace officers is limited to the express authority granted to them under Nevada law. *See Ronnow*, 57 Nev. at 343, 65 P.2d at 136 (neither the municipal corporation nor its officers can do any act not authorized by legislative act).

156. Peace officers have the power to make arrests pursuant to a warrant or make warrantless arrests in limited circumstances. *See* NRS 171.124.

157. However, no authority exists for peace officers to arrest people for civil immigration violations.

158. Pursuant to NRS 171.124:

1 [A] peace officer...may make an arrest in obedience to a warrant delivered
2 to him or her, or may, without warrant, arrest a person:

3 (a) For a public offense committed or attempted in the officer's presence.

4 (b) When a person arrested has committed a felony or gross misdemeanor,
5 although not in the officer's presence.

6 (c) When a felony or gross misdemeanor has in fact been committed, and
7 the officer has reasonable cause for believing the person arrested to have
8 committed it.

9 (d) On a charge made, upon reasonable cause, of the commission of a felony
10 or gross misdemeanor by the person arrested.

11 (e) When a warrant has in fact been issued in this State for the arrest of a
12 named or described person for a public offense, and the officer has
13 reasonable cause to believe that the person arrested is the person so named
14 or described.

15 159. NRS 171.124 (a)-(d) apply to warrantless arrests and require that a criminal offense
16 be committed.

17 160. The process of removing someone from the country is a civil administrative matter,
18 not a criminal one, and therefore, NRS 171.124 (a)-(d) does not authorize a warrantless arrest for
19 a civil immigration violation.

20 161. NRS 171.124(1)(e) applies to arrests made when a warrant has been issued "for a
21 public offense."

22 162. The term "offense" as used throughout Chapter 171 of the Nevada Revised Statute
23 refers to misdemeanors, gross misdemeanors, and felonies, but not civil infractions. *See* NRS
24 171.136 (outlining that offenses can be either felonies or misdemeanors); *See also* NRS 193.050
(using term "public offense" in statute defining criminal conduct).

163. Administrative warrants issued by ICE are civil in nature and therefore would not
fall within NRS 171.124(1)(e).

1 164. Additionally, NRS 171.124(1)(e) does not authorize an arrest for civil immigration
2 violations even if the arrest is made pursuant to an ICE administrative warrant of arrest or
3 deportation because ICE administrative warrants are not warrants as used in NRS 171.124(e).

4 165. Under Nevada law, warrants of arrest must be signed by a magistrate. *See* NRS
5 171.108(1) (“A warrant of arrest is an order in writing in the name of the State of Nevada which
6 must [b]e signed by the magistrate with the magistrate's name of office.”).

7 166. ICE administrative warrants are fillable forms in which immigration officials may
8 make a determination of removability based upon, for example, a final order by “a designate
9 official” or “biometric confirmation of the subject’s identity.” Ex. 2-3.

10 167. These “warrants” may be signed by a dozen different types of immigration officers,
11 none of whom would be considered “magistrates” as defined by Nevada law. *See* NRS 169.085
12 (defining “magistrate” as “an officer having power to issue a warrant for the arrest of a person
13 charged with a public offense; including Supreme Court Justices and Judges of the Court of
14 Appeals, district court judges, justices of the peace; municipal judges; and “others upon whom are
15 conferred by law the powers of a justice of the peace in criminal cases.”). *See also* 8 CFR. §
16 287.5(e)(2) (authorizing more than fifty different types of DHS employees, including
17 “immigration enforcement agents,” to issue Form I-200); 8 C.F.R. § 241.2(a)(1) (authorizing over
18 thirty types of immigration officials to sign Form I-205).

19 168. Several courts in other states have held arrests pursuant to ICE warrants
20 unauthorized because the warrants lack authorization by a neutral magistrate or judge and thus are
21 administrative in nature rather than criminal and judicial in nature. *See Lunn v. Commonwealth*,
22 477 Mass. at 524 n.17, 78 N.E.3d 1143, 1151 (discussing that administrative warrants may be
23 signed by dozens of types of immigration officials and do not require authorization of a judge; thus
24 are not criminal arrest warrants/detainers authorizing continued detention); *People ex rel. Wells*,

1 168 A.D.3d at 42 (finding civil immigration warrant not authorized by judicial or quasi-judicial
2 officer of the court did not constitute “warrant”).

3 169. Nevada law similarly requires warrants to be signed by a magistrate and, because
4 the administrative warrants provided by ICE lack a signature of a judge or magistrate, they cannot
5 be used to justify LVMPD’s arrest and detention of people, including Petitioner Morais-
6 Hechavarria, pursuant to these warrants.

7 170. Absent an affirmative grant of authority by state statute or common law, state
8 officials may not exercise the authority of federal immigration officials. *See Lunn*, 477 Mass. at
9 530-31, 78 N.E.3d at 1155-56 (noting the absence of authority in common law or statute for police
10 officers to arrest for civil matters generally, nor Federal civil immigration matters); *Gonzales*, 722
11 F.2d at 475-476 (state law must affirmatively grant authority to local officers to enforce federal
12 immigration law before arrests based on immigration violations are permissible).

13 171. LVMPD’s actions pursuant to the Agreement exceed the scope of authority granted
14 to peace officers in NRS 171.124(1) in violation of Dillon’s Rule, and thus are unlawful,
15 unreasonable seizures that violate Article 1, Section 18 of the Nevada Constitution.

16 172. As such, LVMPD’s continued detention of Petitioner Morais-Hechavarria based
17 upon an ICE warrant is unlawful, and the “ICE hold” must be lifted.

18 **IX. REQUEST FOR RELIEF**

19 Wherefore, Petitioners respectfully request this Court to:

- 20 a. Declare that the Respondents lack the authority to enter into a 287(g) agreement
21 with ICE and their act in doing so violates Dillon’s Rule;
- 22 b. Declare that Respondents do not have the authority under Nevada law to detain
23 people for immigration detainees or warrants.
24

- 1 c. In the alternative, if NRS 211.060 authorizes the Respondents to enter into an
2 agreement to hold immigration detainees at ICE's request, declare the Agreement
3 violates NRS 211.060 because it requires LVMPD to house federal immigration
4 detainees on behalf of ICE without payment of "all actual and reasonably necessary
5 costs" of confinement;
- 6 d. Declare that the Respondents' enforcement of civil federal immigration law by
7 executing administrative warrants and holding people for immigration matters
8 when those people would otherwise be released from state custody violates NRS
9 31.470's prohibition on civil arrests and constitutes unreasonable seizures under
10 Nev. Const. art. I, § 18;
- 11 e. Declare that the Respondents do not have the authority to execute administrative
12 warrants issued by ICE and detain people past the time they would otherwise be
13 released pursuant to such administrative warrants;
- 14 f. Issue a writ of mandamus ordering the Respondents to terminate the Agreement;
- 15 g. Issue a writ of mandamus ordering the Respondents to cease any implementation
16 of the Agreement including executing administrative warrants issued by ICE and
17 holding people on behalf of ICE past the time they would otherwise be released;
- 18 h. Issue a writ of mandamus ordering LVMPD to immediately lift any holds imposed
19 by CCDC on Petitioner Morais-Hechavarria based on ICE administrative warrants,
20 ICE detainers, or other enforcement of civil immigration law;
- 21 i. Alternatively, issue a writ of habeas corpus ordering LVMPD to immediately lift
22 any holds imposed by CCDC on Petitioner Morais-Hechavarria based on ICE
23 administrative warrants, ICE detainers, or other enforcement of civil immigration
24 law;

1 j. Award reasonable costs and attorneys' fees pursuant to NRS 34.270, NRS 18.010
2 and NRS 18.050.; and

3 k. Grant such further relief the Court deems appropriate.

4 Dated this 13th day of October, 2025.

5 **AMERICAN CIVIL LIBERTIES**
6 **UNION OF NEVADA**

7 

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I am submitting this verification on behalf of Petitioner Morais-Hechavarria as one of Petitioner Morais-Hechavarria's attorneys. I have discussed with the Petitioner the events described in this Petition. On the basis of those discussions, I hereby verify that Petitioner Morais-Hechavarria is a petitioner named in the foregoing petition and knows the contents thereof; that the statements made in this Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge. I also hereby verify that Petitioner Morais-Hechavarria personally authorized me to commence this action.

Dated this 13th day of October, 2025.

Sadik

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INDEX OF EXHIBITS

Exhibit No.	Description	Date	Pgs.
1	LVMPD's 287(g) MOA	June 16, 2025	10
2	Sample Form I 205: Warrant of Removal/Deportation		2
3	Sample Form I 200: Warrant of Arrest		1
4	DSD Immigration Report	September 2, 2025	1
5	Inpatient Referral Emails	August 19, 2025	3
6	Morais-Hechavarria Judgment of Conviction	September 2, 2025	3
7	Declaration of Athar Haseebullah	October 9, 2025	3

EXHIBIT 1

LVMPD'S 287(g) MOA

MEMORANDUM OF AGREEMENT

Warrant Service Officer Program

I. PARTIES

This Memorandum of Agreement (MOA) constitutes an agreement between U.S. Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS), and the Las Vegas Metropolitan Police Department, NV hereinafter the law enforcement agency (LEA), pursuant to which ICE delegates to nominated, trained, certified, and authorized LEA personnel the authority to perform certain immigration enforcement functions as specified herein. The LEA and ICE enter into this MOA in good faith and agree to abide by the terms and conditions contained herein.

II. PURPOSE

The purpose of this collaboration is to promote public safety by facilitating the custodial transfer of specific aliens in LEA jail/correctional facilities to ICE for removal purposes at the time of the alien's scheduled release from criminal custody. This MOA sets forth the terms and conditions pursuant to which selected LEA personnel (participating LEA personnel) will be nominated, trained, and approved by ICE to perform certain limited functions of an immigration officer within the LEA's jail/correctional facilities. Nothing contained herein shall otherwise limit the jurisdiction and powers normally possessed by participating LEA personnel as members of the LEA. However, the exercise of the immigration enforcement authority delegated under this MOA to participating LEA personnel shall occur only as provided in this MOA.

III. AUTHORITY

Section 287(g) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1357(g) (1996), as amended by the Homeland Security Act of 2002, Pub. L. No. 107-296, authorizes the Secretary of DHS to enter into written agreements with a State or any political subdivision of a State so that qualified personnel can perform certain functions of an immigration officer. Such authority has been delegated by the Secretary to ICE, and this MOA constitutes such a written agreement.

IV. RESPONSIBILITIES

The LEA is expected to pursue to completion all criminal charges that caused the alien to be taken into custody and over which it has jurisdiction. ICE will assume custody of an alien only after said individual has been released from LEA custody.

A. DESIGNATION OF AUTHORIZED FUNCTIONS

Approved participating LEA personnel will be authorized to perform only those immigration officer functions set forth in the Standard Operating Procedures (SOP) in Appendix A.

B. NOMINATION OF PERSONNEL

The LEA will use due diligence to screen and nominate candidates for ICE training and approval under this MOA. All candidates must be United States citizens, have knowledge of and have enforced laws and regulations pertinent to their law enforcement activities and their jurisdictions, and have been trained on maintaining the security of LEA facilities, and have enforced rules and regulations governing inmate accountability and conduct.

ICE reserves the right to conduct an independent background check for each candidate. This background check requires all candidates to complete a background questionnaire. The questionnaire requires, but is not limited to, the submission of fingerprints, a personal history questionnaire, and the candidate's disciplinary history (including allegations of excessive force or discriminatory action). ICE reserves the right to query any and all national and international law enforcement databases to evaluate a candidate's suitability to participate in the enforcement of immigration authorities under this MOA. Upon request by ICE, the LEA will provide continuous access to disciplinary records of all candidates along with a written authorization by the candidate allowing ICE to have access to his or her disciplinary records.

Any expansion in the number of participating LEA personnel or scheduling of additional training classes is subject to all the requirements of this MOA and the accompanying SOP.

C. TRAINING OF PERSONNEL

Before participating LEA personnel receive authorization to perform immigration officer functions under this MOA, they must successfully complete initial training provided by ICE on relevant administrative, legal, and operational issues tailored to the immigration enforcement functions to be performed.

Each LEA nominee must pass a final examination with a minimum score of 70 percent to receive certification. If an LEA nominee fails to attain a 70-percent rating on the examination, he or she will have one opportunity to review the testing material and re-take a similar examination. Failure to achieve a 70-percent rating upon retaking the final examination will result in the disqualification of the LEA nominee and discharge of the nominee from training.

ICE will review the training requirements annually, reserves the right to amend them, and may require additional training as needed.

D. CERTIFICATION AND AUTHORIZATION

Upon successful completion of initial training, LEA personnel shall be deemed "certified" under this MOA.

ICE will certify in writing the names of those LEA personnel who successfully complete training and pass all required test(s). Upon receipt of the certification, the ICE Field Office Director (FOD) will provide the participating LEA personnel a signed authorization letter allowing the named LEA personnel to perform specified functions of an immigration officer. ICE will also provide a copy of the authorization letter to the LEA. ICE will also execute ICE Form 70-006, Designated Immigration Officer. Only those certified LEA personnel who receive authorization letters and ICE Form 70-006 issued by ICE and whose immigration enforcement efforts are overseen by ICE may conduct immigration officer functions described in this MOA.

Along with the authorization letter and ICE Form 70-006, ICE will issue the certified LEA personnel official immigration officer credentials. Participating LEA personnel shall carry their ICE-issued credentials while performing immigration officer functions under this MOA. Such credentials provided by ICE shall remain the property of ICE and shall be returned to ICE upon termination of this agreement, when a participating LEA employee ceases his/her participation, or when deemed necessary by the FOD.

Authorization of participating LEA personnel to act pursuant to this MOA may be withdrawn at any time and for any reason by ICE and must be memorialized in a written notice of withdrawal identifying an effective date of withdrawal and the personnel to whom the withdrawal pertains. Such withdrawal may be effectuated immediately upon notice to the LEA. The LEA and the FOD will be responsible for notification of the appropriate personnel in their respective agencies. The termination of this MOA shall constitute immediate revocation of all immigration enforcement authorizations delegated hereunder.

The LEA will make every attempt, where practicable, to provide ICE with a 90 day notice if participating LEA personnel cease their participation in the program, so that appropriate action can be taken in accordance with ICE policies, including inventorying and retrieval of credentials, and training replacement personnel as needed.

E. COSTS AND EXPENDITURES

The LEA is responsible for personnel expenses, including, but not limited to, salaries and benefits, local transportation, and official issue material. ICE will provide instructors and training materials. The LEA is responsible for the salaries and benefits, including any overtime, of all of its personnel being trained or performing duties under this MOA and of those personnel performing the regular functions of the participating LEA personnel while they are receiving training. The LEA will cover the costs of all LEA personnel's travel, housing, and per diem affiliated with the training required for participation in this MOA. ICE is responsible for the salaries and benefits of all of its personnel, including instructors and supervisors.

If ICE determines the training provides a direct service for the Government and it is in the best interest of the Government, the Government may issue travel orders to selected personnel and reimburse travel, housing, and per diem expenses only. The LEA remains responsible for paying salaries and benefits of the selected personnel.

The LEA is responsible for providing all administrative supplies (e.g. printer toner) necessary for normal office operations. The LEA is also responsible for providing the necessary security equipment, such as handcuffs, leg restraints, etc.

F. ICE SUPERVISION

Immigration enforcement activities conducted by participating LEA personnel will be supervised and directed by ICE. Participating LEA personnel are not authorized to perform immigration officer functions except when working under the supervision or direction of ICE. Additional supervisory and administrative responsibilities are specified in Appendix A.

The actions of participating LEA personnel will be reviewed by ICE officers on an ongoing basis to ensure compliance with the requirements of the immigration laws and procedures and to assess the need for individual training or guidance.

For purposes of this MOA, ICE officers will provide supervision of participating LEA personnel only to immigration enforcement functions as authorized in this MOA. The LEA retains supervision of all other aspects of the employment of and performance of duties by participating LEA personnel.

In the absence of a written agreement to the contrary, the policies and procedures to be utilized by the participating LEA personnel in exercising these delegated authorities under this MOA shall be DHS and ICE policies and procedures. ICE is responsible for providing the LEA with the

applicable DHS and ICE policies. However, when engaged in immigration enforcement activities, no participating LEA personnel will be expected or required to violate or otherwise fail to maintain the LEA's rules, standards, or policies, or be required to fail to abide by restrictions or limitations as may otherwise be imposed by law.

If a conflict arises between an order or direction of an ICE officer or a DHS or ICE policy and the LEA's rules, standards, or policies, the conflict shall be promptly reported to the points of contact in Section VII. who shall attempt to resolve the conflict.

G. INTERPRETATION SERVICES

Participating LEA personnel will provide an opportunity for aliens with limited English language proficiency to request an interpreter. Qualified foreign language interpreters will be provided by the LEA, as needed.

The LEA will maintain a list of qualified interpreters or companies it contracts with to provide such interpreters. A qualified interpreter, which may include LEA personnel, means an interpreter who can interpret effectively, accurately, and impartially, using any specialized vocabulary. If an interpreter is used when a designated officer is performing functions under this MOA, the interpreter must be identified, by name, in records by annotating on the Warrant for Arrest of Alien or the Warrant of Removal/Deportation.

H. LIABILITY AND RESPONSIBILITY

Except as otherwise noted in this MOA or allowed by Federal law, and to the extent required by 8 U.S.C. § 1357(g)(7) and (8), the LEA will be responsible and bear the costs of participating LEA personnel with regard to their property or personal expenses incurred by reason of death, injury, or incidents giving rise to liability.

Participating LEA personnel will be treated as Federal employees only for purposes of the Federal Tort Claims Act, 28 U.S.C. § 1346(b)(1), 2671-2680, and worker's compensation claims, 5 U.S.C. § 8101 et seq., when performing a function on behalf of ICE as authorized by this MOA. *See* 8 U.S.C. § 1357(g)(7); 28 U.S.C. § 2671. In addition, it is the understanding of the parties to this MOA that participating LEA personnel will enjoy the same defenses and immunities from personal liability for their in-scope acts that are available to ICE officers based on actions conducted in compliance with this MOA. *See* 8 U.S.C. § 1357(g)(8).

Participating LEA personnel named as personal-capacity defendants in litigation arising from activities carried out under this MOA may request representation by the U.S. Department of Justice. *See* 28 C.F.R. § 50.15. Absent exceptional circumstances, such requests must be made in writing. LEA personnel who wish to submit a request for representation shall notify the local ICE Office of the Chief Counsel at 2975 Decker Lake Drive, Stop C, West Valley City, Utah 84119. The Office of the Chief Counsel in turn will notify the ICE Headquarters Office of the Principal Legal Advisor (OPLA), which will assist LEA personnel with the request for representation, including the appropriate forms and instructions. Unless OPLA concludes that representation clearly is unwarranted, it will forward the request for representation, any supporting documentation, and an advisory statement opining whether: 1) the requesting individual was acting within the scope of his/her authority under 8 U.S.C. § 1357(g); and, 2) such representation would be in the interest of the United States, to the Director of the Constitutional and Specialized Tort Litigation Section, Civil Division, Department of Justice (DOJ). Representation is granted at the discretion of DOJ; it is not an entitlement. *See* 28 C.F.R. § 50.15.

The LEA agrees to cooperate with any Federal investigation related to this MOA to the full extent of its available powers, including providing access to appropriate databases, personnel, individuals in custody and documents. Failure to do so may result in the termination of this MOA. Failure of any participating LEA employee to cooperate in any Federal investigation related to this MOA may result in revocation of such individual's authority provided under this MOA. The LEA agrees to cooperate with Federal personnel conducting reviews to ensure compliance with the terms of this MOA and to provide access to appropriate databases, personnel, and documents necessary to complete such compliance review. It is understood that information provided by any LEA personnel under threat of disciplinary action in an administrative investigation cannot be used against that individual in subsequent criminal proceedings, consistent with *Garrity v. New Jersey*, 385 U.S. 493 (1967), and its progeny.

As the activities of participating LEA personnel under this MOA are undertaken under Federal authority, the participating LEA personnel will comply with Federal standards and guidelines relating to the Supreme Court's decision in *Giglio v. United States*, 405 U.S. 150 (1972), and its progeny, which govern the disclosure of potential impeachment information about possible witnesses or affiants in a criminal case or investigation.

The LEA and ICE are each responsible for compliance with the Privacy Act of 1974, 5 U.S.C. §552a, DHS Privacy Act regulations, 6 C.F.R. §§ 5.20-5.36, as applicable, and related system of records notices with regard to data collection and use of information under this MOA.

I. CIVIL RIGHTS STANDARDS

Participating LEA personnel are bound by all Federal civil rights laws, regulations, and guidance relating to non-discrimination, including the U.S. Department of Justice "Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity," dated December 2014, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," (Aug. 2000), Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et seq., which prohibits discrimination based upon race, color, or national origin (including limited English proficiency) in any program or activity receiving Federal financial assistance, Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability and requires the LEA to provide effective communication to individuals with disabilities, and Title II of the Americans with Disabilities Act of 1990, which also prohibits discrimination based on disability and requires the LEA to provide effective communication to individuals with disabilities.

V. REPORTING AND DOCUMENTATION

A. COMPLAINT PROCEDURES

The complaint reporting procedure for allegations of misconduct by participating LEA personnel, including activities undertaken under the authority of this MOA, is included in Appendix B.

B. COMMUNICATION

The FOD (or the FOD's management representative) and the LEA shall make every effort to meet at least annually to ensure compliance with the terms of this MOA. When necessary, ICE and the LEA may limit the participation of these meetings in regard to non-law enforcement personnel. The attendees will meet at locations to be agreed upon by the parties, or via teleconference. An

initial review meeting between ICE and the LEA should be held within approximately 12 months of the MOAs operational date.

C. COMMUNITY OUTREACH

The LEA, in coordination with the local ICE Field Office, will engage, as necessary, in Steering Committee meetings to enhance support for the 287(g) mission, and to ensure compliance with the terms of this MOA.

D. RELEASE OF INFORMATION TO THIRD PARTIES

The LEA may, at its discretion, communicate the substance of this agreement to organizations and groups expressing an interest in the law enforcement activities to be engaged in under this MOA. It is the practice of ICE to provide a copy of this MOA, only after it has been signed, to requesting media outlets; the LEA is authorized to do the same.

The LEA hereby agrees to coordinate with ICE prior to releasing any information relating to, or exchanged under, this MOA. For releases of information to the media, the LEA must coordinate in advance of release with the ICE Office of Public Affairs, which will consult the ICE Privacy Office for approval prior to any release. The points of contact for ICE and the LEA for this purpose are identified in Appendix C. For releases of information to all other parties, the LEA must coordinate in advance of release with the FOD or the FOD's representative.

Information obtained or developed as a result of this MOA, including any documents created by the LEA that contain information developed or obtained as a result of this MOA, is under the control of ICE and shall not be disclosed unless: 1) permitted by applicable laws, regulations, or executive orders; and 2) the LEA has coordinated in advance of release with (a) the ICE Office of Public Affairs, which will consult the ICE Privacy Office for approval, prior to any release to the media, or (b) an ICE officer prior to releases to all other parties. LEA questions regarding the applicability of this section to requests for the release of information shall be directed to an ICE officer.

Nothing herein limits LEA's compliance with state public records laws regarding those records that are solely state records and not ICE records.

VI. MODIFICATIONS TO THIS MOA

Modifications to this MOA must be proposed in writing and approved and signed by both parties. Modification to Appendix A shall be done in accordance with the procedures outlined in the SOP.

VII. POINTS OF CONTACT

ICE and the LEA points of contact (POCs) for purposes of this MOA are:
For the LEA: Sheriff, Las Vegas Metropolitan Police Department
For DHS: Salt Lake City Field Office Director

VIII. EFFECTIVE DATE AND TERMINATION OF THIS MOA

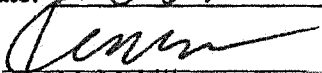
This MOA becomes effective upon signature of both parties and will remain in effect until either party, upon 90-day written notice to the other party, provides notice of termination or suspension of the MOA. A termination or suspension notice by ICE shall be delivered personally or by certified or registered mail to the LEA and termination or suspension shall take effect 90-days after

receipt of such notice, unless exigent circumstances involving public safety dictate otherwise. Notice of termination or suspension by the LEA shall be given to the FOD and termination or suspension shall take effect 90-days after receipt of such notice, unless exigent circumstances involving public safety dictate otherwise.

This MOA does not, is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any person in any matter, civil or criminal.

By signing this MOA, each party represents it is fully authorized to enter into this MOA, accepts the terms, responsibilities, obligations, and limitations of this MOA, and agrees to be bound thereto to the fullest extent allowed by law.

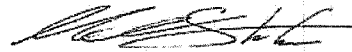
Date:

053025


Kevin McMahon
Sheriff
Las Vegas Metropolitan Police Dept

Date: 6/16/2025

Signature:



Madison Sheahan
Title: Deputy Director
Agency: U.S. Immigration and
Customs Enforcement
Department of Homeland Security

APPENDIX A STANDARD OPERATING PROCEDURES (SOP)

The purpose of this appendix is to establish standard, uniform procedures for the implementation and oversight of the program within the FOD area of responsibility. This appendix can be modified only in writing and by mutual acceptance of ICE and the LEA.

Pursuant to this MOA, the LEA has been delegated authorities as outlined below. This MOA is designed to facilitate the custodial transfer of designated aliens in LEA's jail/correctional facilities to ICE within 48 hours of alien's release from criminal custody.

Authorized Functions:

Participating LEA personnel are only delegated the two authorities listed below:

- The power and authority to serve and execute warrants of arrest for immigration violations, 8 U.S.C. § 1357(a) and 8 C.F.R. § 287.5(e)(3), on designated aliens in LEA jail/correctional facilities at the time of the alien's scheduled release from criminal custody in order to transfer custody of the alien to ICE; and
- The power and authority to serve warrants of removal, 8 U.S.C. § 1357(a) and 8 C.F.R. §§ 241.2(b)(2), 287.5(e)(3), on designated aliens in LEA jail/correctional facilities at the time of the alien's scheduled release from criminal custody that executes the custodial transfer of the alien to ICE for removal purposes.

Upon transfer of the alien's custody to ICE, the alien will continue to be held in the LEA's jail/correctional facilities for no more than 48 hours unless there exists an agreement pursuant to which the LEA will continue to detain, for a reimbursable fee, aliens for immigration purposes. In the absence of an agreement, if the alien is not transferred to an ICE field office or an immigration detention facility within 48 hours, the alien shall be released from the LEA jail/correctional facility.

Additional Supervisory and Administrative Responsibilities:

The above immigration enforcement functions conducted by the participating LEA personnel will be supervised and directed by ICE. Participating LEA personnel are not authorized to perform immigration officer functions except when working under the supervision or direction of ICE. Additional supervisory and administrative responsibilities for each entity include, but are not limited to:

- The LEA shall provide notification to the ICE officer immediately after participating LEA personnel serve any warrant of arrest or warrant of removal that executes the custodial transfer of the alien to ICE for removal purposes, in a manner mutually agreed upon by the LEA and the FOD.
- Participating LEA personnel must report all encounters with asserted or suspected claims of U.S. citizenship to ICE immediately, but generally within one hour of the claim.

APPENDIX B COMPLAINT PROCEDURE

The training, supervision, and performance of participating LEA personnel pursuant to the MOA, as well as the protections for U.S. citizens' and aliens' civil and constitutional rights, are to be monitored. Part of that monitoring will be accomplished through the complaint reporting and resolution procedures, which the parties to the MOA have agreed to follow.

If any participating LEA personnel are the subject of a complaint or allegation involving the violation of the terms of this MOA or a complaint or allegation of any sort that may result in that individual receiving professional discipline or becoming the subject of a criminal investigation or civil lawsuit, the LEA shall, to the extent allowed by State law, make timely notification to an ICE officer within 48 hours, excluding weekends, of the existence and nature of the complaint or allegation. The results of any internal investigation or inquiry connected to the complaint or allegation and the resolution of the complaint shall also be reported to an ICE officer, as established by ICE. It is the responsibility of the ICE officer to ensure notification is made to the ICE Office of Professional Responsibility (OPR) via the Joint Intake Center (JIC) at JointIntake@cbp.dhs.gov.

The LEA will also handle complaints filed against LEA personnel who are not designated and certified pursuant to this MOA but are acting in immigration functions in violation of this MOA. Any such complaints regarding non-designated LEA personnel acting in immigration functions must be forwarded to the ICE officer within 48 hours of the LEA receiving notice of the complaint. It is the responsibility of the ICE officer to ensure notification is made to the JIC.

287(g) Complaint Process posters will be displayed in the processing areas of the LEA to ensure aliens encountered under the 287(g) Program are aware of the complaint process. Posters will be displayed in English and Spanish. If the alien understands a language other than English or Spanish or is unable to read, LEA personnel will read and/or translate the complaint process in a language the alien understands.

APPENDIX C PUBLIC INFORMATION POINTS OF CONTACT

Pursuant to Section V(D) of this MOA, the signatories agree to coordinate appropriate release of information to the media, provided the release has been previously approved by both the ICE Privacy Officer and Public Affairs Officer, regarding actions taken under this MOA before any information is released. The points of contact for coordinating such activities are:

For the Las Vegas Metropolitan Police Dept:

Public Information Office
400 S Martin L King Blvd
Las Vegas, NV 89106
702-828-4082

For ICE:

Public Affairs Office
Office of Public Affairs and Internal Communication
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Washington, DC 20536
202-732-4242

EXHIBIT 2

Sample Form I 205: Warrant of Removal/Deportation

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

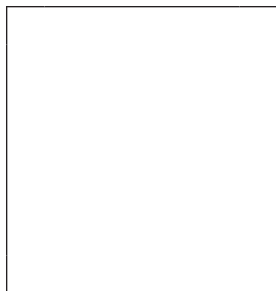
(Signature of immigration officer)

(Title of immigration officer)

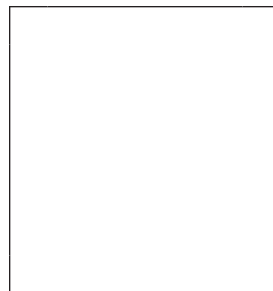
(Date and office location)

To be completed by immigration officer executing the warrant: Name of alien being removed:

Port, date, and manner of removal:



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of immigration officer taking print)

Departure witnessed by:

(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by:

(Signature and title of immigration officer)

EXHIBIT 3

Sample Form I 200: Warrant of Arrest

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

EXHIBIT 4

DSD Immigration Report



Weekly DSD Immigration Report

Reporting Totals for 8/26/2025 - 9/1/2025		Previous Period Totals	YTD Totals
# Total Foreign Born With Qualifying Charges	227	225	2268
# Total Unknowns with Qualifying Charges	17	14	326
# Total Notices Sent	84	114	2681
# I-200 Detainers Received	21	18	661
# I-200 Releases	17	25	603
# I-200 Picked Up	12	23	441
# I-200 Released W/O Pick-Up	5	2	162
# I-205 Warrants Received	2	12	252
# I-205 Releases	3	13	227
# I-205 Picked Up	2	11	173
# I-205 Released W/O Pick-Up	1	2	54
# I-247 (A/G) Stand-Alone	0	2	44
# I-247 Picked Up	0	2	38
# I-200 Detainers Received w/o QA Offense	0	1	29
# I-205 Warrants Received w/o QA Offense	0	2	22
Total # of Releases with Neither I-200/I-205	17	16	1035

-Total # of Releases with Neither I-200/I-205 does not include unknowns

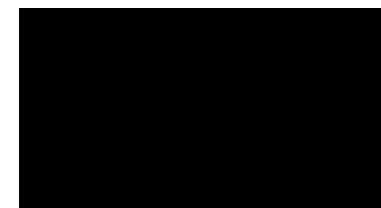


EXHIBIT 5

Inpatient Referral Emails

Get [Outlook for iOS](#)

From: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>
Sent: Friday, August 22, 2025 5:01:55 PM
To: Sadmira Ramic <ramic@aclunv.org>
Subject: Fw: Sergio Morais Hechaavarria

This Message Is From an External Sender
This message came from outside your organization.

From: Samiko Swonger <S9615S@LVMPD.COM>
Sent: Tuesday, August 19, 2025 7:23 PM
To: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>; Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>
Subject: RE: Sergio Morais Hechaavarria

The DC case is still active. In order for CCDC to release him to ICE, the order to go to Inpatient will have to be rescinded.

From: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>
Sent: Tuesday, August 19, 2025 6:27 PM
To: Samiko Swonger <S9615S@LVMPD.COM>; Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>
Subject: Re: Sergio Morais Hechaavarria

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

Right, his county charges were satisfied today (he was ordered to probation and to inpatient treatment). How long do you hold inmates on an ICE warrant/detainer if they are not picked up by ICE before they are released?

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From: Samiko Swonger <S9615S@LVMPD.COM>
Sent: Tuesday, August 19, 2025 6:22:47 PM
To: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>; Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>
Subject: RE: Sergio Morais Hechaavarria

He has a warrant so his county charges have to be satisfied before he can be released to ICE.

AA051

From: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>

Sent: Tuesday, August 19, 2025 6:20 PM

To: Samiko Swonger <S9615S@LVMPD.COM>; Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>

Subject: Re: Sergio Morais Hechaavarria

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

How long are you holding inmates on ICE detainees before they are released?

Thank you,
Nicole Weis

Get [Outlook for iOS](#)

From: Samiko Swonger <S9615S@LVMPD.COM>

Sent: Tuesday, August 19, 2025 6:18:04 PM

To: Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>

Cc: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>

Subject: RE: Sergio Morais Hechaavarria

He has an ICE warrant so he can't go to Inpatient Treatment.

From: Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>

Sent: Tuesday, August 19, 2025 4:51 PM

To: Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>; Samiko Swonger <S9615S@LVMPD.COM>

Cc: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>

Subject: Sergio Morais Hechaavarria

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

Please see above referral for Sergio Morais Hechaavarria, he is ready to go as soon as bed becomes available.

Glennie Chavez, LMSW

Social Worker

Clark County Public Defender's Office

P: (702) 455-2140 / F: (702) 383-2873

Glennie.chavez@clarkcountynv.gov

AA052

EXHIBIT 6

Morais-Hechavarria Judgment of Conviction

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

SERGIO MORAIS-HECHAVARRIA,
#8332753

Defendant.

CASE NO: C-25-392542-1

DEPT NO: XXI

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of ATTEMPT POSSESSION OF STOLEN VEHICLE (Category D Felony/Gross Misdemeanor), in violation of NRS 205.273; 193.153; thereafter, on the 19th day of August, 2025, the defendant was present in court for sentencing with counsel, NICOLE A. WEIS, Deputy Public Defender and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty under the gross misdemeanor statute of said offense and, in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA Collection fee, and a \$150.00 DNA analysis fee, WAIVED having been previously submitted, Defendant SENTENCED to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC), SUSPENDED; placed on Probation for an indeterminate period not to exceed TWELVE (12) MONTHS. In addition to the Standard Conditions of the Division of Parole and Probation (P & P), which are IMPOSED, Defendant must comply with the following SPECIAL CONDITIONS:

1. Defendant to enter and complete an Inpatient Program. Deft. is to remain in custody pending Parole and Probation (P & P) transport to inpatient treatment. Upon completion of the inpatient treatment the Defendant is to transition to an outpatient program.

2. Defendant to remain in compliance with any substance abuse and mental health counseling/treatment plan as conditioned post treatment after the inpatient program.

BOND, if any, EXONERATED.

Dated this 2nd day of September, 2025



40A FFB 8EFB BA4F
Tara Clark Newberry
District Court Judge

EXHIBIT 7

Declaration of Athar
Haseebullah

1 **DECL**
2 SADMIRA RAMIC, ESQ. (15984)
3 CHRISTOPHER M. PETERSON, ESQ. (13932)
4 **AMERICAN CIVIL LIBERTIES**
5 **UNION OF NEVADA**
6 4362 W. Cheyenne Ave.
7 North Las Vegas, NV 89032
8 Telephone: (702) 366-1226
9 Facsimile: (702) 718-3213
10 Emails: peterson@aclunv.org
11 ramic@aclunv.org

12 *Attorneys for Petitioners*

13
14 **EIGHTH JUDICIAL DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 AMERICAN CIVIL LIBERTIES UNION OF
17 NEVADA, a domestic nonprofit organization;
18 SERGIO MORAIS-HECHAVARRIA, an
19 individual,

20
21 Petitioners,

22 vs.

23 LAS VEGAS METROPOLITAN POLICE
24 DEPARTMENT, a governmental entity; KEVIN
MCMAHILL, in his official capacity as Las Vegas
Metropolitan Police Department Sheriff,

Respondents.

Case No.:

Department:

25
26 **DECLARATION OF ATHAR HASEEBULLAH IN SUPPORT OF PETITIONERS'**
27 **PETITION FOR WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, PETITION**
28 **FOR WRIT OF HABEAS CORPUS AND OPENING BRIEF**

29 I, Athar Haseebullah, Esq., on behalf of the American Civil Liberties Union of Nevada ("ACLU
30 of Nevada"), under penalty of perjury declare:

- 31 1. I am over the age of 18 and I am competent to testify.

1 2. I am the Executive Director of ACLU of Nevada and an attorney authorized to
2 practice law in Nevada.

3 3. I have personal knowledge of the facts set forth in this declaration.

4 4. I make this declaration in support of the Petition for Writ of Mandamus or, in the
5 alternative, Petition for Writ of Habeas Corpus and the Opening Brief in support of the Petition
6 for Writ of Mandamus or, in the alternative, Petition for Writ of Habeas Corpus.

7 5. ACLU of Nevada is a non-partisan, nonprofit organization that works to defend and
8 advance the civil liberties and civil rights of all Nevadans.

9 6. As the guardian of civil liberties of all Nevadans for over 55 years, and more than
10 5,000 members in the state of Nevada, preventing constitutional and statutory violations is of
11 substantial interest to ACLU of Nevada.

12 7. ACLU of Nevada's mission is to defend and advance the civil liberties, civil rights,
13 and other fundamental human rights of all Nevadans.

14 8. As part of that mission, ACLU of Nevada has litigated and continues to litigate
15 numerous lawsuits related to ensuring government actors are transparent and acting within the
16 bounds of Nevada law with respect to immigration enforcement. Ongoing litigation includes
17 *American Civil Liberties Union of Nevada v. Las Vegas Metropolitan Police Department*, No. A-
18 25-922734-W (Eighth Jud. Dist. Ct. Clark Cnty., Nev. filed Jul. 9, 2025) and *American Civil*
19 *Liberties Union of Nevada v. State of Nevada, Department of Motor Vehicles*, No. 25EW000261B
20 (First Jud. Dist. Ct. Carson City, Nev. filed Aug. 15, 2025).

21 9. In litigating *ACLU of Nevada v. LVMPD*, ACLU of Nevada obtained data showing
22 that, as of September 1, 2025, LVMPD received a total of 957 requests from ICE to detain people
23 on its behalf for the year 2025, which is directly related to the impact of the 287(g) agreement at
24 issue in this case.

1 10. Ensuring government entities like Las Vegas Metropolitan Police Department
2 comply with Nevada law and do not act outside their legal authority is germane to ACLU of
3 Nevada purpose.

4 11. In addition to ACLU of Nevada's litigation ensuring government transparency in
5 immigration enforcement and compliance with Nevada law, ACLU of Nevada provides "Know
6 Your Rights" training and publishes "Know Your Rights" materials about rights related to
7 immigration law and enforcement.

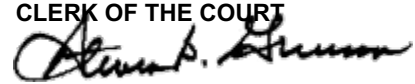
8 12. ACLU of Nevada also provides businesses with "Know Your Rights" posters and
9 makes "Know Your Rights" materials related to immigration rights available on its website.

10 13. It is germane to ACLU of Nevada's purpose to represent the rights and interests of
11 people throughout Nevada, including Petitioner Sergio Morais-Hechavarria.

12
13 This declaration was executed October 9, 2025, in Clark County, Nevada.

14
15 I declare under penalty of perjury that the foregoing
16 is true and correct.

17 By: 
18 ATHAR HASEEBULLAH, ESQ.
19 NV Bar. No #13646
20
21
22
23
24



BREF

SADMIRA RAMIC, ESQ. (15984)
CHRISTOPHER M. PETERSON, ESQ. (13932)

**AMERICAN CIVIL LIBERTIES
UNION OF NEVADA**

4362 W. Cheyenne Ave.
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Attorneys for Petitioners

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

AMERICAN CIVIL LIBERTIES UNION OF
NEVADA, a domestic nonprofit organization;
SERGIO MORAIS-HECHAVARRIA, an
individual,

Petitioners,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a governmental entity; KEVIN
MCMAHILL, in his official capacity as Las Vegas
Metropolitan Police Department Sheriff,

Respondents.

Case No.: A-25-930343-W

Department: XI

**Opening Brief in Support of
Petition for Writ of Mandamus Or,
in the Alternative, Opening Brief in
Support of Verified Petition for
Writ of Habeas Corpus**

Hearing requested

Petitioners, American Civil Liberties Union of Nevada (“ACLU of Nevada”) and Sergio Morais-Hechavarria, hereby submit this Opening Brief in Support of their Petition for Writ of Mandamus, or in the alternative, Petition for Writ of Habeas Corpus. Petitioners request that this Court intervene to lift any holds imposed by the Clark County Detention Center (“CCDC”) on Petitioner Morais-Hechavarria based on ICE administrative warrants, ICE detainers, or other enforcement of civil immigration law as such holds are unlawful. Petitioners request this Court declare the basis for his detention, Las Vegas Metropolitan Police Department’s (“LVMPD”)

1 287(g) agreement with U.S. Immigration and Customs Enforcement (“ICE”), unlawful under
2 Nevada law and order LVMPD to terminate the agreement and cease all actions made pursuant to
3 this agreement. Petitioners also seek reasonable costs and attorneys’ fees pursuant to NRS 34.270,
4 NRS 18.010, and NRS 18.050. This brief is supported by the attached memorandum of points and
5 authorities and any attached exhibits.

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 On June 16, 2025, LVMPD unlawfully entered into an agreement with ICE (“the
8 Agreement”) pursuant to Section 287(g) of the Immigration and Nationality Act despite LVMPD
9 repeatedly assuring the public the agency would not do so unless required to by law. This
10 agreement – commonly referred to as a “287(g) agreement” – purports to authorize LVMPD to
11 execute civil immigration warrants within CCDC and to hold, at no cost to the federal government,
12 federal immigration detainees for up to 48 hours past the time they would otherwise be released
13 from criminal custody. Sheriff McMahon’s entry into this agreement and LVMPD’s actions
14 pursuant to this agreement violate Nevada law.

15 LVMPD is a political subdivision whose existence and powers do not exist except by grant
16 of Nevada’s Legislature. Under Article 4, Section 32 of the Nevada Constitution, the Legislature
17 has the “power to increase, diminish, consolidate or abolish” the office of county sheriffs and
18 “shall provide for their election by the people, and fix by law their duties and compensation.” In
19 addition, Nevada has long embraced Dillon’s Rule, which provides that local government entities
20 have no power or authority except that which is expressly prescribed by the Legislature. In
21 executing a 287(g) agreement with ICE, Sheriff McMahon and LVMPD violated these basic
22 principles of Nevada law in at least two ways.

23 First, the Agreement violates Nevada law because Nevada’s Legislature has not authorized
24 LVMPD to enter into 287(g) agreements. Nevada’s Legislature has determined and prescribed

1 instances when government entities and their officials may cooperate with the federal government,
2 and it has not passed any law granting LVMPD or the Sheriff the authority to enter into a 287(g)
3 agreement. Through NRS 211.060, the Legislature has delineated when a county detention center
4 may house people for the federal government, but NRS 211.060 expressly provides that county
5 jails may house “prisoners” at the request of the United States and only upon payment of “all actual
6 and reasonably necessary costs” of such confinement. As the term “prisoner” as used in NRS
7 211.060 only applies to people detained pending criminal proceedings, the provision does not
8 apply to immigration detainees, and Sheriff McMahill does not have the authority to enter into the
9 287(g) agreement or any other contract to house immigration detainees for the federal government.
10 Furthermore, even if the term “prisoner” as used in NRS 211.060 did apply to immigration
11 detainees, LVMPD violated NRS 211.060 and acted outside of its authority in violation of Dillon’s
12 Rule because the 287(g) agreement it entered into requires LVMPD to cover all costs associated
13 with detaining anyone held under the Agreement.

14 Second, even if LVMPD has the authority to enter into 287(g) agreements, it does not have
15 the authority to carry out the actions outlined in the Agreement. The Agreement purports to
16 authorize LVMPD to execute civil immigration warrants within CCDC and to hold federal
17 immigration detainees for up to 48 hours past the time they would otherwise be released from
18 criminal custody. NRS 31.470 prohibits peace officers, which includes correction officers within
19 CCDC, from making arrests for civil violations unless the civil arrests fall within one of the
20 enumerated exceptions. LVMPD officers acting pursuant to the Agreement violate NRS 31.470
21 because they are executing civil arrest warrants and detaining people past the time they would
22 otherwise be released on criminal charges, and such civil arrests do not fall within one of the
23 enumerated exceptions. Additionally, the Nevada Revised Statutes delineate a peace officers’ arrest
24

1 authority in its entirety, and no provision authorizes peace officers to make arrests for civil
2 immigration violations.

3 As such, LVMPD and Sheriff McMahon, in entering and executing the Agreement, violated
4 Nevada law and exceeded the authority granted to them by the Nevada Legislature in violation of
5 Dillon's Rule. Because the Agreement is unlawful, LVMPD's execution of civil immigration
6 warrants and detention of people past the time they would otherwise be released on criminal
7 charges constitute as unauthorized and unreasonable seizures in violation of Article 1, Section 18
8 of the Nevada Constitution.

9 Petitioner Morais-Hechavarria is being unlawfully detained because of the Agreement as
10 LVMPD is holding Mr. Morais-Hechavarria in CCDC custody indefinitely due to an ICE hold
11 despite an order from a Nevada District Court judge that Mr. Morais-Hechavarria be directly
12 transferred from CCDC to an inpatient treatment facility to carry out the terms of his sentence in
13 his criminal case. Because LVMPD and Sheriff McMahon have neither the authority to enter into
14 a 287(g) agreement with ICE, nor the authority to execute civil immigration warrants and conduct
15 civil arrests, there is no legal justification for Petitioner Morais-Hechavarria's continued detention
16 in CCDC. The unlawful detention of people in CCDC due to ICE holds extends beyond Petitioner
17 Morais-Hechavarria as CCDC has received a total of 957 requests to hold people, whether through
18 detainers or administrative warrants, from ICE since January 1, 2025. Exhibit 4.

19 Petitioners requests that this Court 1) declare that the Respondents lack the authority to
20 enter into a 287(g) agreement with ICE and the execution of the Agreement violates Dillon's rule;
21 2) declare that Respondents do not have the authority under Nevada law to detain people for
22 immigration detainers or warrants; 3) in the alternative, if NRS 211.060 authorizes the
23 Respondents to enter into an agreement to hold immigration detainees at ICE's request, declare
24 the Agreement violates NRS 211.060 because it requires LVMPD to house federal immigration

1 detainees on behalf of ICE without payment of “all actual and reasonably necessary costs” of
2 confinement; 4) declare that the Respondents’ enforcement of civil federal immigration law by
3 executing administrative warrants and holding people for immigration matters when those people
4 would otherwise be released from state custody violates NRS 31.470’s prohibition on civil arrests
5 and constitutes unreasonable seizures under Nev. Const. art. I, § 18; 5) declare that the
6 Respondents do not have the authority to execute administrative warrants issued by ICE and detain
7 people past the time they would otherwise be released, and the act of doing so constitutes
8 unreasonable seizures under Nev. Const. Art. I § 18; 6) issue writ relief ordering LVMPD to
9 terminate the Agreement and cease any implementation of the Agreement; 7) issue a writ of
10 mandamus ordering LVMPD to immediately lift any holds imposed by CCDC on Petitioner
11 Morais-Hechavarria based on ICE administrative warrants, ICE detainers, or other enforcement of
12 civil immigration law; 8) alternatively, issue a writ of habeas corpus ordering LVMPD to
13 immediately lift any holds imposed by CCDC on Petitioner Morais-Hechavarria based on ICE
14 administrative warrants, ICE detainers, or other enforcement of civil immigration law; and 9)
15 award reasonable costs and attorney fees.

16 **STATEMENT OF FACTS**

17 **1. The Immigration and Nationality Act and 287(g) Agreements**

18 Section 287(g) of the Immigration and Nationality Act, codified as 8 U.S.C. § 1357,
19 authorizes the Attorney General to delegate immigration enforcement powers to a state or any
20 political subdivision of a state by entering into a written memorandum of agreement (“MOA” or
21 “MOU”) with that state or political subdivision of the state. The formal agreements are commonly
22 referred to as “287(g) agreements.”¹ Under a 287(g) agreement, U.S. Immigration and Customs

23 ¹ There are three different types of 287(g) programs: 1) the task force model; 2) the warrant
24 service officer program; and 3) the jail enforcement model. *See Partner With ICE Through*
287(g) Program, “3 Ways Your Agency Can Help”, U.S. Immigration and Customs
Enforcement, (updated July 15, 2025), <https://www.ice.gov/287g>.

1 Enforcement (“ICE”), trains, certifies, and authorizes local law enforcement officers to perform
2 certain immigration enforcement functions under the supervision of an ICE officer. Ex. 1 at 1.
3 Despite the Attorney General’s authority to delegate these powers to a state or political
4 subdivision, immigration enforcement activities under Section 287(g) are carried out at the
5 “expense of the State or political subdivision.” See 8 USC § 1357(g)(1).

6 **2. LVMPD’s 287(g) agreement with ICE**

7 On May 30, 2025, the day after DHS published a list designating the city of Las Vegas a
8 “sanctuary jurisdiction,” Sheriff McMahon signed the Agreement.² Ex. 1 at 7. Sheriff McMahon
9 has provided little explanation as to why he went from turning down requests from federal agencies
10 to expand LVMPD involvement in immigration enforcement in late March 2025, to entering into
11 the 287(g) agreement just months later.³ LVMPD’s about-face decision comes after repeated
12 assurances that LVMPD would not be entering into such an agreement unless required to do so by
13 federal law.⁴ Such assurances have been consistently made since 2019, when LVMPD terminated
14 its prior 287(g) agreement with ICE because a federal court’s ruling raised concerns that such
15 agreements are unconstitutional.⁵ Despite this, the Agreement was fully executed on June 16, 2025,
16 after an ICE official signed the contract. Ex. 1 at 7.

17 ² Isabella Aldrete, *Vegas landed on Trump’s ‘sanctuary’ list. A day later, sheriff signed*
18 *agreement with ICE.*, The Nevada Independent (June 26, 2025),
19 [https://thenevadaindependent.com/article/vegas-landed-on-trumps-sanctuary-list-a-day-later-](https://thenevadaindependent.com/article/vegas-landed-on-trumps-sanctuary-list-a-day-later-sheriff-signed-agreement-with-ice)
[sheriff-signed-agreement-with-ice.](https://thenevadaindependent.com/article/vegas-landed-on-trumps-sanctuary-list-a-day-later-sheriff-signed-agreement-with-ice)

20 ³ *Id.*; Ricardo Torres-Cortez, *Sheriff rejects to use Las Vegas officers for immigration enforcement*,
Las Vegas Review Journal (March 27, 2025), [https://www.reviewjournal.com/local/local-las-](https://www.reviewjournal.com/local/local-las-vegas/sheriff-rejects-requests-to-use-las-vegas-officers-for-immigration-enforcement-3342846/)
[vegas/sheriff-rejects-requests-to-use-las-vegas-officers-for-immigration-enforcement-3342846/](https://www.reviewjournal.com/local/local-las-vegas/sheriff-rejects-requests-to-use-las-vegas-officers-for-immigration-enforcement-3342846/).

21 ⁴ *Id.*; David Charns, *Las Vegas police do not ‘enforce immigration violations,’ policy says*, 8 News
22 Now (January 21, 2025), [https://www.8newsnow.com/investigators/las-vegas-police-do-not-](https://www.8newsnow.com/investigators/las-vegas-police-do-not-enforce-immigration-violations-policy-says/)
[enforce-immigration-violations-policy-says/](https://www.8newsnow.com/investigators/las-vegas-police-do-not-enforce-immigration-violations-policy-says/) (discussing policy that LVMPD officers “will not
23 stop and question, detain, arrest, or place an immigration hold on any individuals on the ground
they are an undocumented immigrant” but will share “criminal intelligence”).

24 ⁵ Michelle Rindels, *Metro suspending controversial 287(g) collaboration with ICE; federal agency*
says public safety will be compromised, The Nevada Independent (October 23, 2019),

1 The Agreement is specifically for the Warrant Service Officer Program, under which ICE
2 trains and certifies local LVMPD officers to serve and execute “warrants of arrest” and “warrants
3 of removal” on people who are in LVMPD custody. Ex. 1 at 1–2, 8. An ICE “warrant for
4 removal/deportation” is issued by a federal immigration officer directing “any immigration officer
5 of the United States Department of Homeland Security [...] to take into custody and remove from
6 the United States” the named “alien” in the document. *See* Ex. 2. An ICE “warrant of arrest” is
7 used when the individual named in the warrant is determined to be “removable” but is not yet
8 subject to a final order of removal. *See* Ex. 3. These warrants are administrative in nature, rather
9 than judicial, as they are signed by ICE officials rather than a judge. *See* 8 CFR. §§ 287.5(e)(2)
10 (listing which immigration officials can issue warrants of arrest). These warrants frequently
11 accompany ICE detainers, which are documents issued by ICE asking a state agency to notify them
12 about an arrested person’s impending release and to voluntarily hold the person after they would
13 otherwise be entitled to release from criminal custody.⁶ Pursuant to the Agreement, LVMPD serves
14 civil immigration warrants upon people in their custody and then holds them for up to 48 hours so
15 they can be transferred to ICE. Ex. 1 at 8. As of September 1, 2025, LVMPD received a total of
16 957 requests from ICE for the year 2025. Ex. 4.

17 The existence of an ICE warrant, or “ICE Hold”, prevents a person’s release even if they
18 post bond on their criminal charges or are ordered to home incarceration as part of pre-trial
19 monitoring on their state charges. And, in situations like Petitioner Morais-Hechavarria’s, the ICE
20 warrant prevents release from CCDC even if a district court judge orders that person to be directly

21 _____
22 <https://thenevadaindependent.com/article/metro-suspending-controversial-287g-collaboration-with-ice>.

23 ⁶ U.S. Immigration and Customs Enforcement, ICE Annual Report – FY 2024 (December 19,
24 2024), available at [iceAnnualReportFY2024.pdf](#). *See also* 8 CFR. §§ 287.7(a); *Lunn v. Commonwealth*, 477 Mass. 517, 524 n.17 (2017) (noting “Immigration Detainers” must be accompanied by Form I 200 “Warrant for Arrest of Alien” or Form I 205 “Warrant of Removal/Detention”).

1 transferred to an inpatient treatment facility. Ex. 5. At the same time, the order of the district court
2 judge to directly transfer a person to inpatient care from CCDC prevents the person's release to
3 ICE, purportedly due to LVMPD's belief that such an order indicates that the criminal case is still
4 active. *Id.* Thus, persons such as Petitioner Morais-Hechavarria cannot be released to ICE nor
5 transferred to inpatient care and are confined indefinitely. *See id.*

6 While LVMPD houses people for ICE, the Agreement does not provide any compensation
7 from the Federal Government for the costs related to these detentions. *See* Ex. 1 at 3, 8. Rather,
8 the agreement states:

9 The LEA is responsible for personnel expenses, including, but not limited to,
10 salaries and benefits, local transportation, and official issue material. ICE will
11 provide instructors and training materials. The LEA is responsible for the salaries
12 and benefits, including any overtime, of all of its personnel being trained or
13 performing duties under this MOA and of those personnel performing the regular
14 functions of the participating LEA personnel while they are receiving training. The
15 LEA will cover the costs of all LEA personnel's travel, housing, and per diem
16 affiliated with the training required for participation in this MOA. ICE is
17 responsible for the salaries and benefits of all of its personnel, including instructors
18 and supervisors.

19 If ICE determines the training provides a direct service for the Government and it
20 is in the best interest of the Government, the Government may issue travel orders
21 to selected personnel and reimburse travel, housing, and per diem expenses only.
22 The LEA remains responsible for paying salaries and benefits of the selected
23 personnel.

24 The LEA is responsible for providing all administrative supplies (e.g. printer toner)
necessary for normal office operations. The LEA is also responsible for providing
the necessary security equipment, such as handcuffs, leg restraints, etc.

[....]

[....]

Except as otherwise noted in this MOA or allowed by Federal law, and to the extent
required by 8 U.S.C. § 1357(g)(7) and (8), the LEA will be responsible and bear
the costs of participating LEA personnel with regard to their property or personal
expenses incurred by reason of death, injury, or incidents giving rise to liability

Id at 3-4.

3. The Petitioners

Petitioner Morais-Hechavarria was arrested on state criminal charges and entered a plea on July 8, 2025, in case number C-25-392542-1. Ex. 6. On August 19, 2025, the court in that matter ordered Mr. Morais-Hechavarria to an inpatient treatment program as part of his criminal sentence. *Id.* That court ordered that Mr. Morais-Hechavarria remain in custody at CCDC pending Parole and Probation transport to inpatient treatment. *Id.*

On August 19, 2025, a social worker for the Clark County Public Defender's Office reached out to CCDC regarding Mr. Morais-Hechavarria's referral and stated that he was "ready to go" as soon as a bed was available. Ex. 5 at 2. An employee from LVMPD responded and stated that Mr. Morais-Hechavarria had an ICE warrant and because of that warrant, CCDC would not release him to inpatient treatment. Ex. 5 at 1-2. According to the LVMPD employee, Mr. Morais-Hechavarria could not be released unless the District Court Order for inpatient treatment was "rescinded". Ex. 5 at 1.

Mr. Morais-Hechavarria is still detained at CCDC with no projected release date and will remain in CCDC indefinitely without this Court's intervention.

Petitioner ACLU of Nevada is a nonpartisan, nonprofit organization that works to defend and advance the civil liberties and civil rights of all Nevadans. Ex 7. As the guardian of civil liberties of all Nevadans for over 55 years, and with more than 5,000 members in the State of Nevada, preventing constitutional and statutory violations is of substantial interest to ACLU of Nevada. *Id.* As part of this mission, ACLU of Nevada has a direct interest in ensuring LVMPD does not act outside the authority granted to it by the Nevada Legislature and the Nevada Constitution. *Id.* In addition, ACLU of Nevada works to protect the liberty interests of all individuals and has expressly and persistently engaged in advocacy, litigation, and "Know Your Rights" trainings related to immigration law and enforcement. *Id.*

LEGAL STANDARD

Mandamus writ relief is available “where there is no ‘plain, speedy, and adequate remedy in the ordinary course of law.’” *Segovia v. Eighth Judicial Dist. Court*, 133 Nev. 910, 912, 407 P.3d 783, 785 (2017) (quoting NRS 34.170 and NRS 34.330). Courts may issue a writ of mandamus “to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion.” *Id.* While an “extraordinary remedy,” it is within the court’s sole discretion to determine when such relief is proper. *Id.* Even when a legal remedy is available, the court can “still entertain a petition for writ ‘relief where the circumstances reveal urgency and strong necessity.’” *Id.* (quoting *Barngrover v. Fourth Jud. Dist. Ct.*, 115 Nev. 104, 111, 979 P.2d 216, 220 (1999)).

Courts will generally exercise their discretion to consider an extraordinary writ where an important legal issue that needs clarification is raised in order to promote judicial economy and administration. *State Office of the Att’y Gen. v. Just. Ct. of Las Vegas Twp.*, 133 Nev. 78, 80, 392 P.3d 170, 172 (2017). When a petition for extraordinary relief “involves a question of first impression that arises with some frequency, the interests of sound judicial economy and administration favor consideration of the petition.” *A.J. v. Eighth Jud. Dist. Ct.*, 133 Nev. 202, 204–05, 394 P.3d 1209, 1212 (2017) (quoting *Cote H. v. Eighth Jud. Dist. Ct.*, 124 Nev. 36, 39, 175 P.3d 906, 908 (2008)).

In the alternative, Petitioner Morais-Hechavarria seeks relief by writ of habeas corpus. NRS 34.360 provides: “Every person unlawfully committed, detained, confined or restrained of his or her liberty, under any pretense whatever, may prosecute a writ of habeas corpus to inquire into the cause of such imprisonment or restraint.” If no legal cause is shown for the petitioner’s imprisonment or restraint, the judge must release the petitioner from custody, without delay. NRS 34.480; NRS 34.390(1).

1 The Supreme Court of Nevada has held that habeas corpus relief has been expanded “to
2 allow the presentation of questions of law that cannot otherwise be reviewed, or that are so
3 important as to render ordinary procedure inadequate and justify the extraordinary remedy.”
4 *Roberts v. Hocker*, 85 Nev. 390, 392, 456 P.2d 425, 426-27 (1969) (quoting *State v. Fogliani*, 82
5 Nev. 300, 417 P.2d 148 (1966)). This expansion includes cases that seek to test the constitutionality
6 of an ordinance while on bail (*Ex parte Philipie*, 82 Nev. 215, 414 P.2d 949 (1966)); to test
7 unlawful restraint (*Garnick v. Miller*, 81 Nev. 372, 403 P.2d 850 (1965)); to challenge sufficiency
8 of probable cause for trial while on bail (*Jacobson v. State*, 89 Nev. 197, 510 P.2d 856 (1973)); or
9 to test the legality of a parole board's order to hold for extradition (*Roberts v. Hocker*, 85 Nev. 390,
10 456 P.2d 425 (1969)). *Nev. Dep't of Prisons v. Arndt*, 98 Nev. 84, 85-86, 640 P.2d 1318, 1319
11 (1982) (highlighting cases).

12 **SUMMARY OF ARGUMENT**

13 LVMPD engages in immigration enforcement pursuant to the Agreement under the
14 Warrant Service Officer Program. The Agreement purports to grant LVMPD the authority to
15 perform certain immigration functions, including the power and authority to serve and execute
16 administrative warrants for immigration violations on people in LVMPD custody who are held at
17 CCDC. However, Nevada law does not authorize sheriffs or police departments to enter into such
18 agreements, nor does it authorize the actions LVMPD agrees to under the Agreement.

19 Article 4 § 32 of the Nevada Constitution states that the Legislature has the “power to
20 increase, diminish, consolidate or abolish” the office of county sheriffs and “shall provide for their
21 election by the people, and fix by law their duties and compensation.” Beyond this, Nevada courts
22 have long applied the common-law principle known as Dillon's Rule, which defines and limits the
23 powers of county, city, and local governments. *See Ronnow v. Las Vegas*, 57 Nev. 332, 342–43 ,
24 65 P.2d 133, 136 (1937) (applying Dillon’s Rule to municipal corporations); *Flores v. Las Vegas-*

1 *Clark Cty Library Dist.*, 134 Nev. 827, 833 n.7, 432 P.3d 173, 178 (2018) (noting application of
2 Dillon’s Rule to local government); The Nevada Association of Counties, *The Nevada County*
3 *Commissioner Handbook*, 6 (2020) (“Nevada is a Dillon’s Rule State, meaning that unless the
4 power to do something has been expressly granted to the county by the state legislature through
5 the adoption of a statute, they do not possess it.”). Under Dillon's Rule, local government entities
6 have only those powers (1) granted in express words by the Nevada Constitution, statute, or city
7 charter; (2) necessarily or fairly implied in the powers expressly granted; or (3) all other powers
8 essential to the accomplishment of declared objects and purposes of the corporation that are not
9 merely convenient but indispensable. *See id.* at 343. The Nevada Supreme Court explains:

10 [M]unicipal corporations have no powers but those which are delegated to them by
11 the charter or law creating them; that the powers expressly given and the necessary
12 means of employing those powers constitute the limits of their authority. It is
conceded that beyond this they can have no active existence, and can do no act
which the law can recognize as valid and obligatory upon them.

13 *Id.* at 341-342 (quoting *Tucker v. Virginia City*, 4 Nev. 20, 26 (1868)). In other words, a local
14 government entity does not exist and has no authority to take any action unless the Nevada
15 Legislature passes a statute that grants such existence and power.

16 Sheriff McMahon has unilaterally entered into the Agreement with ICE absent the Nevada
17 Legislature’s grant of authority to do so, conflicting with Nevada’s longstanding application of
18 Dillon’s Rule and Article 4, Section 32 of the Nevada Constitution.

19 The Nevada Legislature has determined and passed laws delineating when a sheriff can
20 execute a contract with the federal government. The only statute that authorizes a sheriff to execute
21 a contract with the federal government to detain people on behalf of the United States is NRS
22 211.060. While NRS 211.060 concerns housing people at the county jail on the federal
23 government’s behalf, it is expressly limited to housing “prisoners,” which would not include
24 immigration detainees. Furthermore, even if immigration detainees fell within the definition of

1 “prisoners,” the Agreement fails to adhere to the requirement that the contract provide for payment
2 of “all actual and reasonably necessary costs” of such confinement as the Agreement requires
3 LVMPD to bear nearly all costs associated with holding people for ICE. Outside of NRS 211.060,
4 there is no other statute under Nevada law that authorizes LVMPD to enter into a 287(g) agreement
5 explicitly or to enter into a contract to perform the actions outlined in the Agreement.

6 Not only does Sheriff McMahon and LVMPD’s entry into the agreement itself exceed the
7 authority granted by the Nevada Legislature, but the actions purportedly authorized by this
8 agreement – making civil arrests pursuant to ICE’s administrative warrants and holding arrested
9 individuals for 48 hours past the time they would otherwise be released – also violate Nevada law.
10 Such actions violate the prohibition on civil arrests in NRS 31.470 as they do not fall within the
11 enumerated exceptions to this prohibition. These arrests similarly exceed the arrest authority of
12 peace officers delineated by Nevada Revised Statutes, and in turn constitute unlawful seizures
13 which violate Art. I § 18 of the Nevada Constitution.

14 Because Sheriff McMahon and LVMPD’s actions in entering into and executing the
15 Agreement are unlawful, Petitioner Morais-Hechavarria’s continued detention at CCDC is
16 likewise unlawful.

17 The issues presented in the Petition involve important legal questions of first impression,
18 as Nevada courts have not yet addressed local law enforcement’s ability to execute 287(g)
19 agreements. These important legal questions arise frequently. For example, LVMPD reports show
20 that, year to date, LVMPD has received 957 requests from ICE to hold people in CCDC custody.
21 Ex. 4. There is also no plain, speedy, and adequate remedy in the ordinary course of law to address
22 the harm caused by the Agreement. Due to the short-lived nature of the detainers placed on people
23 in CCDC custody, many people held in LVMPD custody because of “ICE holds” are unaware of
24 the unlawful detention until it is too late for a court to provide relief.

1 Petitioners have a beneficial interest in obtaining writ relief. An order declaring the
2 Agreement, and any actions taken pursuant to it, unlawful would remove the ICE hold placed on
3 Petitioner Morais-Hechavarria. Such relief would prevent the violations of others' rights under the
4 Nevada Constitution and Nevada law and would serve the public interest by ensuring LVMPD and
5 Sheriff McMahon do not exceed the power granted to them by the Nevada Legislature and the
6 Nevada Constitution.

7 In the alternative, Petitioner Morais-Hechavarria submits this Petition for Habeas Corpus
8 seeking relief from his unlawful detention in CCDC by LVMPD and Sheriff McMahon. While
9 Petitioner Morais-Hechavarria's confinement was at first lawful, once he was released on his
10 criminal charges, ordered to inpatient care, and a bed at the treatment facility became available,
11 LVMPD no longer had a legal basis to hold him in custody. LVMPD provided one reason for Mr.
12 Morais-Hechavarria's continued detention: the fact that Mr. Morais-Hechavarria has an ICE
13 warrant. LVMPD has no authority under Nevada law to enter into an agreement with ICE to keep
14 people in custody after they are otherwise released on criminal charges, therefore such holds are
15 unlawful. Habeas relief is necessary here, as Petitioner Morais-Hechavarria's unlawful restraint of
16 his liberty requires immediate response. *See Peyton v. Rowe*, 391 U.S. 54, 63, 88 S. Ct. 1549, 1554
17 (1968) ("a principal aim of the writ [of habeas corpus] is to provide for swift judicial review of
18 alleged unlawful restraints on liberty."). In addition, Petitioner poses "questions of law which
19 cannot otherwise be reviewed," and "are so important as to render ordinary procedure inadequate
20 and justify the extraordinary remedy." *See Snow v. State*, 105 Nev. 521, 779 P.2d 96 (1989)
21 (quoting *State v. Fogliani*, 82 Nev. 300, 417 P.2d 148 (1966)). Petitioner Morais-Hechavarria will
22 remain in detention indefinitely because he cannot be released into inpatient treatment to complete
23 his sentence due to the ICE warrant.
24

ARGUMENT

I. NRS 211.060, the only statute granting a sheriff the authority to contract with the federal government to house people on the federal government's behalf, is not applicable to the Agreement, and even if it was, it renders the Agreement unlawful because the Agreement fails to adhere to the payment provisions outlined in NRS 211.060.

The Agreement provides that the local agency will house immigration detainees up to 48 hours until transferred into an ICE field office or immigration detention facility. Ex. 1 at 8. The Nevada Legislature has considered and created law dictating when county jails may contract to house people on behalf of the United States. NRS 211.060, titled "Detention of United States prisoners in county jails", states:

A person may be committed under the authority of the United States to any county jail if a contract has been concluded between the United States and the sheriff of the county, upon payment of:

(a) All actual and reasonably necessary costs of his or her confinement, including the direct cost of his or her support and an allocated share of the cost of maintaining the jail and guarding the prisoners, as compensation to the county for the use of the jail; and (b) All legal fees of the jailer.

This is the only Nevada statute authorizing a sheriff to enter into a contract with the federal government to house people on behalf of the United States.

NRS 208.085, which applies to statutes in Title 16 of the Nevada Revised Statutes including NRS 211.060, defines "prisoners" as any person held in custody under process of law or under lawful arrest. The Nevada Supreme Court has held that the definition of "prisoner" in NRS 208.085 was intended to apply solely in the criminal context. *See Robinson v. State*, 117 Nev. 97, 99, 17 P.3d 420, 422 (2001) ("[T]he term 'prisoner' only applies to individuals in custody for criminal conduct, and not to persons in civil protective custody.").

The authority to house "prisoners" on behalf of the United States does not include people detained for *civil* immigration matters, and therefore Sheriff McMahon and LVMPD have no

1 authority under Nevada law to enter into a contract with the federal government to house
2 immigration detainees at CCDC.⁷ However, if holding “prisoners” on behalf of the United States
3 includes federal immigration detainees, any such contract between the United States and Sheriff
4 McMahill would need to satisfy the requirements of NRS 211.060. The Agreement does not
5 contain a provision that the federal government will pay for “all actual and reasonably necessary
6 costs” of an immigration detainee’s confinement,” including payment for maintaining the jail and
7 guarding the prisoners. Ex. 1. Rather, the Agreement requires LVMPD to bear nearly all the costs,
8 including costs associated with housing the detainees past the time they would otherwise be
9 released from LVMPD custody. Ex. 1 at 3-4. This is a direct violation of NRS 211.060, and in
10 either instance, the Agreement is unlawful.⁸

11 These costs are exacerbated by situations like Petitioner Morais-Hechavarria’s. Because
12 LVMPD believes an ICE warrant prevents both Petitioner Morais-Hechavarria’s release into the
13 inpatient facility and his release into ICE custody, Petitioner Morais-Hechavarria will remain in
14 CCDC custody indefinitely. As a result, LVMPD is incurring all costs of Petitioner Morais-
15 Hechavarria’s detention without compensation for his indefinite confinement.

16 /

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18 /

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20 _____

21 ⁸ The federal statute authorizing the federal government to enter into 287(g) agreements, 8 USC §
22 1357(g)(1), explicitly states that local officials carrying out the function of an immigration officer
23 in relation to the investigation, apprehension, or detention of aliens in the United States may do so
24 “at the expense of the State or political subdivision” Therefore, if the agreement is amended
to adhere to the requirements of NRS § 211.060, ICE would be in violation of federal law. As
such, no 287(g) agreement which requires housing immigration detainees between ICE and a
Nevada state or local entity can be lawful.

1 **II. The Nevada Legislature has not passed laws authorizing Sheriff McMahon or**
2 **LVMPD to enter into 287(g) agreements explicitly, and no other law, outside of NRS**
3 **211.060, grants them the authority to enter into a contract to perform the actions**
4 **outlined in the Agreement.**

5 Sheriff McMahon and LVMPD's existence and powers do not exist except by grant by
6 Nevada's Legislature. Every power and duty conferred or imposed by law upon a county sheriff
7 which relates to law enforcement devolves automatically upon LVMPD. NRS 280.280. The
8 statutes the Nevada Legislature has passed governing the powers and duties of county sheriffs do
9 not confer upon them the authority to enter into agreements with the federal government to enforce
10 civil immigration laws. *See* Chapter 248 of the NRS (outlining the duties and powers of sheriffs;
11 no provision granting the power to enter into agreements with the federal government to enforce
12 federal immigration laws by conducting civil arrests).

13 If the Nevada Legislature intended to authorize Sheriff McMahon and LVMPD to enter
14 into 287(g) agreements with ICE, it would have expressly done so, as have legislatures in other
15 states. *See e.g.*, Ark. Code Ann. § 12-41-512 (2024) (enacted bill authorizing a county sheriff in
16 charge of a county jail to choose whether to participate in the Jail Enforcement Model 287(g)
17 agreement). The fact that Nevada's Legislature has not passed such legislation, even after it
18 considered and expressly permitted cooperation with the federal government or with immigration
19 enforcement in other contexts,⁹ demonstrates Legislative intent not to grant such authority.
20

21 ⁹ In addition to NRS 211.060, the Nevada Legislature has considered instances in which a local
22 governmental entity may cooperate with immigration enforcement and has expressly authorized
23 such cooperation in the specific instances. *See* for example NRS 481.063 which prohibits the
24 release of personal information from a file or record "to any person or to any federal, state, or local
government entity for any purpose relating to the enforcement of immigration" unless "the
requester submits a written release from the person about whom the information is requested or
the Director releases the personal information pursuant to a lawful order, subpoena or warrant
issued by a court of competent jurisdiction."

1 **III. LVMPD violates Nevada law when it executes civil immigration warrants and**
2 **conducts arrests pursuant to the 287(g) agreement.**

3 Even if LVMPD had the authority to execute a 287(g) agreement, the Agreement is
4 nonetheless unlawful because the provisions within the Agreement commit LVMPD to actions
5 that violate Nevada law. The Agreement purports to authorize LVMPD to engage in immigration
6 enforcement by executing civil administrative warrants in its jails and by detaining people for up
7 to 48 hours after they would otherwise be released from criminal custody. Holding someone in
8 custody despite their release on criminal charges constitutes an arrest under Nevada law. *See* NRS
9 171.104 (“An arrest is the taking of a person into custody in a case and in the manner authorized
10 by law.”). This is true no matter how temporary the detention may be. *See* NRS 171.123 (“A person
11 must not be detained longer than is reasonably necessary to effect the purposes of this section, and
12 in no event longer than 60 minutes.”); *United States v. Place*, 462 US 696, 709-10 (1983)
13 (observing that Supreme Court has never held detention of 90 minutes or more to be anything short
14 of arrest). Several courts have held that continued detention for a new reason, including pursuant
15 to immigration detainers that are accompanied by ICE warrants of arrest or removal, constitutes a
16 new seizure. *See e.g., Cisneros v. Elder*, No. 18CV30549, 2018 Colo. Dist. LEXIS 3388, *16
17 (finding continued detention of inmate under immigration detainer after release date constitutes an
18 arrest and seizure).

19 Pursuant to Dillon’s Rule, Sheriff McMahill and LVMPD cannot conduct civil
20 immigration arrests unless such powers are granted by Nevada’s Legislature. *See* Nev. Const. art.
21 IV, § 32 (making clear the legislature has power to create and prescribe the duties of sheriffs by
22 law); *Ronnow*, 57 Nev. at 342–43, 65 P.2d at 136 (municipal corporations have no existence and
23 can do no act except those prescribed by the legislature). The Nevada Legislature has not granted
24

1 such powers to LVMPD and has instead generally prohibited civil arrests. *See infra* Part III A and
2 B.

3 **A. LVMPD violates NRS 31.470’s prohibition of arrests for civil violations by executing**
4 **ICE’s civil administrative warrants and detaining people when they are otherwise**
5 **eligible for release from custody.**

6 The Immigration and Nationality Act, 8 U.S.C. § 1101, sets forth terms, conditions, and
7 procedures for removing “aliens” from the country. While some violations of the Act are criminal
8 offenses, “[a]s a general rule, it is not a crime for a removable alien to remain present in the United
9 States,” *Melendres v. Arpaio*, 695 F.3d 990, 1000 (9th Cir.), and it is a civil violation that subjects
10 the individual to removal. *See* 8 U.S.C. § 1227(a)(1)(B); *Gonzales v. City of Peoria*, 722 F.2d 468,
11 476-77 (9th Cir. 1983), *overruled on other grounds by* *Hodgers-Durgin*, 199 F.3d 1037 1040 n.1
(9th Cir. 1999).

12 The Nevada Legislature has expressly determined the limited circumstances where civil
13 arrests are permitted. NRS 31.470 states: “No person shall be arrested in a civil action except as
14 prescribed by this chapter.” NRS 31.480 prescribes five limited exceptions to this prohibition.¹⁰

15
16 ¹⁰ These exceptions include:

- 17 1. In an action for the recovery of money or damages on a cause of action arising upon
18 contract, express or implied, when the defendant is about to depart from the State with
19 intent to defraud the defendant’s creditors, or when the action is for libel or slander.
- 20 2. In an action for a fine or penalty, or for money or property embezzled, or fraudulently
21 misapplied or converted to his or her own use by a public officer, or an officer of a
22 corporation, or an attorney, factor, broker, agent or clerk in the course of his or her
23 employment as such or by any other person in a fiduciary capacity, or for misconduct
24 or neglect in office, or in professional employment, or for a willful violation of duty.
- 25 3. In an action to recover the possession of personal property unjustly detained, when
the property, or any part thereof, has been concealed, removed, or disposed of so that
it cannot be found or taken by the sheriff.
- 26 4. When the defendant has been guilty of a fraud in contracting the debt or incurring
the obligation for which the action is brought, or in concealing or disposing of the
property, for the taking, detention or conversion of which the action is brought.
- 27 5. When the defendant has removed or disposed of the defendant’s property, or is about
to do so, with intent to defraud the defendant’s creditors.

NRS 31.480.

1 However, none of the enumerated exceptions to the prohibition in NRS 31.470 authorizes arrests
2 for civil immigration violations. *See* NRS 31.480. Notably, in NRS 228.206(1), the Nevada
3 Legislature signaled intent to preclude such a power when it directed the Attorney General to draft
4 model policies for law enforcement agencies that prioritize recommendations that “limit, to the
5 fullest extent practicable and consistent with any applicable law, the engagement of state or local
6 law enforcement agencies with federal immigration authorities for the purpose of immigration
7 enforcement.” The Attorney General’s Office complied with the mandate and published model
8 policies, which relied on NRS 31.470 to generally prohibit peace officers from making arrests in
9 non-criminal matters, including civil immigration arrests.¹¹

10 The Agreement purports to grant LVMPD the authority to serve and execute ICE warrants
11 of arrest and warrants of removal and to detain these people for up to 48 hours past the time they
12 would otherwise be released from LVMPD custody. The holds by LVMPD on behalf of ICE are
13 new arrests. *See supra* Part III. Because the arrests are for civil violations that are not listed
14 exceptions in NRS 31.480, any arrests conducted by LVMPD pursuant to the Agreement directly
15 violate NRS 31.470.

16 The execution of a 287(g) agreement does not override LVMPD’s statutory obligations
17 under Nevada law. *See* 8 USC § 1357(g)(1) (recognizing state law limitations on the operation of
18 287(g) agreements and expressly providing for such agreements only if “consistent with State and
19 local law”). *See also People ex rel. Wells v. DeMarco*, 2018 NY Slip Op 07740, ¶ 5, 168 A.D.3d
20 31, 42, 88 N.Y.S.3d 518, 528 (App. Div.) (finding civil immigration arrests prohibited where such
21 arrests did not fall within limited circumstances where judicial or quasi-judicial officer of court
22 authorized issuance of arrest in civil matters). LVMPD violated NRS 31.470 by placing a hold on

23
24 ¹¹ Office of the Attorney General (2025), Model Immigration Policies,
<https://ag.nv.gov/uploadedFiles/agnv.gov/Content/Issues/OAG%20Model%20Immigration%20Policies%20-%202.24.25.pdf>

1 the release of Petitioner Morais-Hechavarria pursuant to a request from ICE via an administrative
2 warrant and remains in violation of NRS 31.470 by refusing to release him to be directly
3 transferred to a treatment facility.

4 Where an arrest is made in violation of Nevada law, the arrest violates a person's "right to
5 be free from unlawful searches and seizures under Article 1, Section 18, even if the arrest does not
6 offend the Fourth Amendment." *See State v. Bayard*, 119 Nev. 241, 247 (2003). Because
7 Petitioner Morais-Hechavarria's arrest has been made pursuant to the Agreement in violation of
8 Nevada law, it constitutes an unreasonable seizure in violation of Article I, Section 18 of the
9 Nevada Constitution.

10 **B. LVMPD peace officers do not have the authority under Nevada law to make arrests**
11 **for civil immigration violations.**

12 In addition to the direct prohibition on civil arrests, the authority of Nevada peace officers
13 is limited to the express authority granted to them under Nevada law. *See Ronnow*, 57 Nev. at 343,
14 65 P.2d at 136 (neither the municipal corporation nor its officers can do any act not authorized by
15 legislative act). In Nevada, sheriffs of counties, their deputies, and correctional officers have the
16 powers of peace officers. *See* NRS 289.150. Peace officers have the power to make arrests pursuant
17 to a warrant or make warrantless arrests in limited circumstances. However, under both instances,
18 no authority exists for peace officers to arrest people for civil immigration violations.

19 Pursuant to NRS 171.124(1):

20 [A] peace officer...may make an arrest in obedience to a warrant delivered
21 to him or her, or may, without warrant, arrest a person:

22 (a) For a public offense committed or attempted in the officer's presence.

23 (b) When a person arrested has committed a felony or gross misdemeanor,
24 although not in the officer's presence.

(c) When a felony or gross misdemeanor has in fact been committed, and
the officer has reasonable cause for believing the person arrested to have
committed it.

1 (d) On a charge made, upon reasonable cause, of the commission of a felony
2 or gross misdemeanor by the person arrested.

3 (e) When a warrant has in fact been issued in this State for the arrest of a
4 named or described person for a public offense, and the officer has
5 reasonable cause to believe that the person arrested is the person so named
6 or described.

7 Sections (a)-(d) in NRS 171.124 apply to warrantless arrests and require that a criminal offense be
8 committed. The process of removing someone from the country is a civil administrative matter,
9 not a criminal one. *See supra* Part III. A. Therefore, NRS 171.124(1) (a)-(d) does not authorize a
10 warrantless arrest for a civil immigration violation.

11 NRS 171.124(1)(e) applies to arrests made when a warrant has been issued “for a public
12 offense.” The term “offense” as used throughout Chapter 171 of the Nevada Revised Statute refers
13 to misdemeanors, gross misdemeanors, and felonies, but not civil infractions. *See* NRS 171.136
14 (outlining that offenses can be either felonies or misdemeanors); *See also* NRS 193.050 (using
15 term “public offense” in statute defining criminal conduct). Administrative warrants issued by ICE
16 are for civil violations and therefore would not fall within NRS 171.124(1)(e).

17 Additionally, NRS 171.124(1)(e) does not authorize an arrest for civil immigration
18 violations even if the arrest is made pursuant to an ICE administrative warrant of arrest or
19 deportation because ICE administrative warrants are not warrants as used in NRS 171.124(e).
20 Under Nevada law, warrants of arrest must be signed by a magistrate. *See* NRS 171.108(1) (“A
21 warrant of arrest is an order in writing in the name of the State of Nevada which must [b]e signed
22 by the magistrate with the magistrate's name of office”). ICE administrative warrants are fillable
23 forms in which immigration officials may make a determination of removability based upon, for
24 example, a final order by “a designate official” or “biometric confirmation of the subject’s
identity.” Ex. 2, 3. These “warrants” may be signed by dozens of types of immigration officers
that do not constitute as “magistrates” as defined by Nevada law. *See* NRS 169.085 (defining

1 “magistrate” as “an officer having power to issue a warrant for the arrest of a person charged with
2 a public offense; including Supreme Court Justices and Judges of the Court of Appeals, district
3 court judges, justices of the peace; municipal judges; and “others upon whom are conferred by law
4 the powers of a justice of the peace in criminal cases.”); *See* 8 CFR. § 287.5(e)(2) (authorizing
5 more than fifty different types of DHS employees, including “immigration enforcement agents,”
6 to issue Form I-200); 8 C.F.R. § 241.2(a)(1) (authorizing over thirty types of immigration officials
7 to sign Form I-205).

8 Several courts in other states have held that arrests conducted by local officers pursuant to
9 ICE warrants are unauthorized because the warrants lack authorization by a neutral magistrate or
10 judge. *See Lunn*, 477 Mass. at 524 n 17, 78 N.E.3d at 1151 (discussing that administrative warrants
11 may be signed by dozens of types of immigration officials and do not require authorization of a
12 judge; thus are not criminal arrest warrants/detainers authorizing continued detention); *People ex*
13 *rel. Wells*, 168 A.D.3d at 42, 88 N.Y.S.3d at 528 (finding civil immigration warrant not authorized
14 by judicial or quasi-judicial officer of the court did not constitute “warrant”). Nevada law similarly
15 requires warrants to be signed by a magistrate and, because the administrative warrants provided
16 by ICE lack the signature of a judge or magistrate, they cannot be used to justify LVMPD’s arrest
17 and detention of people, including Petitioner Morais-Hechavarria, pursuant to these warrants.

18 LVMPD’s actions pursuant to the Agreement exceed the scope of authority granted to
19 peace officers in NRS 171.124(1) in violation of Dillon’s Rule, and thus are unlawful,
20 unreasonable seizures that violate Art. I, § 18 of the Nevada Constitution. As such, LVMPD’s
21 continued detention of Petitioner Morais-Hechavarria based upon his ICE warrant is unlawful, and
22 the hold must be lifted.

23 /

24 /

1 **CONCLUSION**

2 Sheriff McMahon and LVMPD lacked the authority to enter into the Agreement and exceed
3 the authority granted to them by the Nevada Legislature when they execute administrative warrants
4 and hold people when they would otherwise be released from custody. This violates Dillon's Rule
5 and renders the Agreement unlawful. Any holds imposed by CCDC on people in their custody,
6 including Petitioner Morais-Hechavarria, based on ICE administrative warrants, ICE detainers, or
7 other enforcement of civil immigration law are likewise unlawful.

8
9 Dated this 13th day of October, 2025.

10 **AMERICAN CIVIL LIBERTIES**
11 **UNION OF NEVADA**

12 

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INDEX OF EXHIBITS

Exhibit No.	Description	Date	Pgs.
1	LVMPD's 287(g) MOA	June 16, 2025	10
2	Sample Form I 205: Warrant of Removal/Deportation		2
3	Sample Form I 200: Warrant of Arrest		1
4	DSD Immigration Report	September 2, 2025	1
5	Inpatient Referral Emails	August 19, 2025	3
6	Morais-Hechavarria Judgment of Conviction	September 2, 2025	3
7	Declaration of Athar Haseebullah	October 9, 2025	3

EXHIBIT 1
LVMPD'S 287(g) MOA

MEMORANDUM OF AGREEMENT

Warrant Service Officer Program

I. PARTIES

This Memorandum of Agreement (MOA) constitutes an agreement between U.S. Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS), and the Las Vegas Metropolitan Police Department, NV hereinafter the law enforcement agency (LEA), pursuant to which ICE delegates to nominated, trained, certified, and authorized LEA personnel the authority to perform certain immigration enforcement functions as specified herein. The LEA and ICE enter into this MOA in good faith and agree to abide by the terms and conditions contained herein.

II. PURPOSE

The purpose of this collaboration is to promote public safety by facilitating the custodial transfer of specific aliens in LEA jail/correctional facilities to ICE for removal purposes at the time of the alien's scheduled release from criminal custody. This MOA sets forth the terms and conditions pursuant to which selected LEA personnel (participating LEA personnel) will be nominated, trained, and approved by ICE to perform certain limited functions of an immigration officer within the LEA's jail/correctional facilities. Nothing contained herein shall otherwise limit the jurisdiction and powers normally possessed by participating LEA personnel as members of the LEA. However, the exercise of the immigration enforcement authority delegated under this MOA to participating LEA personnel shall occur only as provided in this MOA.

III. AUTHORITY

Section 287(g) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1357(g) (1996), as amended by the Homeland Security Act of 2002, Pub. L. No. 107-296, authorizes the Secretary of DHS to enter into written agreements with a State or any political subdivision of a State so that qualified personnel can perform certain functions of an immigration officer. Such authority has been delegated by the Secretary to ICE, and this MOA constitutes such a written agreement.

IV. RESPONSIBILITIES

The LEA is expected to pursue to completion all criminal charges that caused the alien to be taken into custody and over which it has jurisdiction. ICE will assume custody of an alien only after said individual has been released from LEA custody.

A. DESIGNATION OF AUTHORIZED FUNCTIONS

Approved participating LEA personnel will be authorized to perform only those immigration officer functions set forth in the Standard Operating Procedures (SOP) in Appendix A.

B. NOMINATION OF PERSONNEL

The LEA will use due diligence to screen and nominate candidates for ICE training and approval under this MOA. All candidates must be United States citizens, have knowledge of and have enforced laws and regulations pertinent to their law enforcement activities and their jurisdictions, and have been trained on maintaining the security of LEA facilities, and have enforced rules and regulations governing inmate accountability and conduct.

ICE reserves the right to conduct an independent background check for each candidate. This background check requires all candidates to complete a background questionnaire. The questionnaire requires, but is not limited to, the submission of fingerprints, a personal history questionnaire, and the candidate's disciplinary history (including allegations of excessive force or discriminatory action). ICE reserves the right to query any and all national and international law enforcement databases to evaluate a candidate's suitability to participate in the enforcement of immigration authorities under this MOA. Upon request by ICE, the LEA will provide continuous access to disciplinary records of all candidates along with a written authorization by the candidate allowing ICE to have access to his or her disciplinary records.

Any expansion in the number of participating LEA personnel or scheduling of additional training classes is subject to all the requirements of this MOA and the accompanying SOP.

C. TRAINING OF PERSONNEL

Before participating LEA personnel receive authorization to perform immigration officer functions under this MOA, they must successfully complete initial training provided by ICE on relevant administrative, legal, and operational issues tailored to the immigration enforcement functions to be performed.

Each LEA nominee must pass a final examination with a minimum score of 70 percent to receive certification. If an LEA nominee fails to attain a 70-percent rating on the examination, he or she will have one opportunity to review the testing material and re-take a similar examination. Failure to achieve a 70-percent rating upon retaking the final examination will result in the disqualification of the LEA nominee and discharge of the nominee from training.

ICE will review the training requirements annually, reserves the right to amend them, and may require additional training as needed.

D. CERTIFICATION AND AUTHORIZATION

Upon successful completion of initial training, LEA personnel shall be deemed "certified" under this MOA.

ICE will certify in writing the names of those LEA personnel who successfully complete training and pass all required test(s). Upon receipt of the certification, the ICE Field Office Director (FOD) will provide the participating LEA personnel a signed authorization letter allowing the named LEA personnel to perform specified functions of an immigration officer. ICE will also provide a copy of the authorization letter to the LEA. ICE will also execute ICE Form 70-006, Designated Immigration Officer. Only those certified LEA personnel who receive authorization letters and ICE Form 70-006 issued by ICE and whose immigration enforcement efforts are overseen by ICE may conduct immigration officer functions described in this MOA.

Along with the authorization letter and ICE Form 70-006, ICE will issue the certified LEA personnel official immigration officer credentials. Participating LEA personnel shall carry their ICE-issued credentials while performing immigration officer functions under this MOA. Such credentials provided by ICE shall remain the property of ICE and shall be returned to ICE upon termination of this agreement, when a participating LEA employee ceases his/her participation, or when deemed necessary by the FOD.

Authorization of participating LEA personnel to act pursuant to this MOA may be withdrawn at any time and for any reason by ICE and must be memorialized in a written notice of withdrawal identifying an effective date of withdrawal and the personnel to whom the withdrawal pertains. Such withdrawal may be effectuated immediately upon notice to the LEA. The LEA and the FOD will be responsible for notification of the appropriate personnel in their respective agencies. The termination of this MOA shall constitute immediate revocation of all immigration enforcement authorizations delegated hereunder.

The LEA will make every attempt, where practicable, to provide ICE with a 90 day notice if participating LEA personnel cease their participation in the program, so that appropriate action can be taken in accordance with ICE policies, including inventorying and retrieval of credentials, and training replacement personnel as needed.

E. COSTS AND EXPENDITURES

The LEA is responsible for personnel expenses, including, but not limited to, salaries and benefits, local transportation, and official issue material. ICE will provide instructors and training materials. The LEA is responsible for the salaries and benefits, including any overtime, of all of its personnel being trained or performing duties under this MOA and of those personnel performing the regular functions of the participating LEA personnel while they are receiving training. The LEA will cover the costs of all LEA personnel's travel, housing, and per diem affiliated with the training required for participation in this MOA. ICE is responsible for the salaries and benefits of all of its personnel, including instructors and supervisors.

If ICE determines the training provides a direct service for the Government and it is in the best interest of the Government, the Government may issue travel orders to selected personnel and reimburse travel, housing, and per diem expenses only. The LEA remains responsible for paying salaries and benefits of the selected personnel.

The LEA is responsible for providing all administrative supplies (e.g. printer toner) necessary for normal office operations. The LEA is also responsible for providing the necessary security equipment, such as handcuffs, leg restraints, etc.

F. ICE SUPERVISION

Immigration enforcement activities conducted by participating LEA personnel will be supervised and directed by ICE. Participating LEA personnel are not authorized to perform immigration officer functions except when working under the supervision or direction of ICE. Additional supervisory and administrative responsibilities are specified in Appendix A.

The actions of participating LEA personnel will be reviewed by ICE officers on an ongoing basis to ensure compliance with the requirements of the immigration laws and procedures and to assess the need for individual training or guidance.

For purposes of this MOA, ICE officers will provide supervision of participating LEA personnel only to immigration enforcement functions as authorized in this MOA. The LEA retains supervision of all other aspects of the employment of and performance of duties by participating LEA personnel.

In the absence of a written agreement to the contrary, the policies and procedures to be utilized by the participating LEA personnel in exercising these delegated authorities under this MOA shall be DHS and ICE policies and procedures. ICE is responsible for providing the LEA with the

applicable DHS and ICE policies. However, when engaged in immigration enforcement activities, no participating LEA personnel will be expected or required to violate or otherwise fail to maintain the LEA's rules, standards, or policies, or be required to fail to abide by restrictions or limitations as may otherwise be imposed by law.

If a conflict arises between an order or direction of an ICE officer or a DHS or ICE policy and the LEA's rules, standards, or policies, the conflict shall be promptly reported to the points of contact in Section VII. who shall attempt to resolve the conflict.

G. INTERPRETATION SERVICES

Participating LEA personnel will provide an opportunity for aliens with limited English language proficiency to request an interpreter. Qualified foreign language interpreters will be provided by the LEA, as needed.

The LEA will maintain a list of qualified interpreters or companies it contracts with to provide such interpreters. A qualified interpreter, which may include LEA personnel, means an interpreter who can interpret effectively, accurately, and impartially, using any specialized vocabulary. If an interpreter is used when a designated officer is performing functions under this MOA, the interpreter must be identified, by name, in records by annotating on the Warrant for Arrest of Alien or the Warrant of Removal/Deportation.

H. LIABILITY AND RESPONSIBILITY

Except as otherwise noted in this MOA or allowed by Federal law, and to the extent required by 8 U.S.C. § 1357(g)(7) and (8), the LEA will be responsible and bear the costs of participating LEA personnel with regard to their property or personal expenses incurred by reason of death, injury, or incidents giving rise to liability.

Participating LEA personnel will be treated as Federal employees only for purposes of the Federal Tort Claims Act, 28 U.S.C. § 1346(b)(1), 2671-2680, and worker's compensation claims, 5 U.S.C. § 8101 et seq., when performing a function on behalf of ICE as authorized by this MOA. *See* 8 U.S.C. § 1357(g)(7); 28 U.S.C. § 2671. In addition, it is the understanding of the parties to this MOA that participating LEA personnel will enjoy the same defenses and immunities from personal liability for their in-scope acts that are available to ICE officers based on actions conducted in compliance with this MOA. *See* 8 U.S.C. § 1357(g)(8).

Participating LEA personnel named as personal-capacity defendants in litigation arising from activities carried out under this MOA may request representation by the U.S. Department of Justice. *See* 28 C.F.R. § 50.15. Absent exceptional circumstances, such requests must be made in writing. LEA personnel who wish to submit a request for representation shall notify the local ICE Office of the Chief Counsel at 2975 Decker Lake Drive, Stop C, West Valley City, Utah 84119. The Office of the Chief Counsel in turn will notify the ICE Headquarters Office of the Principal Legal Advisor (OPLA), which will assist LEA personnel with the request for representation, including the appropriate forms and instructions. Unless OPLA concludes that representation clearly is unwarranted, it will forward the request for representation, any supporting documentation, and an advisory statement opining whether: 1) the requesting individual was acting within the scope of his/her authority under 8 U.S.C. § 1357(g); and, 2) such representation would be in the interest of the United States, to the Director of the Constitutional and Specialized Tort Litigation Section, Civil Division, Department of Justice (DOJ). Representation is granted at the discretion of DOJ; it is not an entitlement. *See* 28 C.F.R. § 50.15.

The LEA agrees to cooperate with any Federal investigation related to this MOA to the full extent of its available powers, including providing access to appropriate databases, personnel, individuals in custody and documents. Failure to do so may result in the termination of this MOA. Failure of any participating LEA employee to cooperate in any Federal investigation related to this MOA may result in revocation of such individual's authority provided under this MOA. The LEA agrees to cooperate with Federal personnel conducting reviews to ensure compliance with the terms of this MOA and to provide access to appropriate databases, personnel, and documents necessary to complete such compliance review. It is understood that information provided by any LEA personnel under threat of disciplinary action in an administrative investigation cannot be used against that individual in subsequent criminal proceedings, consistent with *Garrity v. New Jersey*, 385 U.S. 493 (1967), and its progeny.

As the activities of participating LEA personnel under this MOA are undertaken under Federal authority, the participating LEA personnel will comply with Federal standards and guidelines relating to the Supreme Court's decision in *Giglio v. United States*, 405 U.S. 150 (1972), and its progeny, which govern the disclosure of potential impeachment information about possible witnesses or affiants in a criminal case or investigation.

The LEA and ICE are each responsible for compliance with the Privacy Act of 1974, 5 U.S.C. §552a, DHS Privacy Act regulations, 6 C.F.R. §§ 5.20-5.36, as applicable, and related system of records notices with regard to data collection and use of information under this MOA.

I. CIVIL RIGHTS STANDARDS

Participating LEA personnel are bound by all Federal civil rights laws, regulations, and guidance relating to non-discrimination, including the U.S. Department of Justice "Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity," dated December 2014, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," (Aug. 2000), Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et seq., which prohibits discrimination based upon race, color, or national origin (including limited English proficiency) in any program or activity receiving Federal financial assistance, Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability and requires the LEA to provide effective communication to individuals with disabilities, and Title II of the Americans with Disabilities Act of 1990, which also prohibits discrimination based on disability and requires the LEA to provide effective communication to individuals with disabilities.

V. REPORTING AND DOCUMENTATION

A. COMPLAINT PROCEDURES

The complaint reporting procedure for allegations of misconduct by participating LEA personnel, including activities undertaken under the authority of this MOA, is included in Appendix B.

B. COMMUNICATION

The FOD (or the FOD's management representative) and the LEA shall make every effort to meet at least annually to ensure compliance with the terms of this MOA. When necessary, ICE and the LEA may limit the participation of these meetings in regard to non-law enforcement personnel. The attendees will meet at locations to be agreed upon by the parties, or via teleconference. An

initial review meeting between ICE and the LEA should be held within approximately 12 months of the MOAs operational date.

C. COMMUNITY OUTREACH

The LEA, in coordination with the local ICE Field Office, will engage, as necessary, in Steering Committee meetings to enhance support for the 287(g) mission, and to ensure compliance with the terms of this MOA.

D. RELEASE OF INFORMATION TO THIRD PARTIES

The LEA may, at its discretion, communicate the substance of this agreement to organizations and groups expressing an interest in the law enforcement activities to be engaged in under this MOA. It is the practice of ICE to provide a copy of this MOA, only after it has been signed, to requesting media outlets; the LEA is authorized to do the same.

The LEA hereby agrees to coordinate with ICE prior to releasing any information relating to, or exchanged under, this MOA. For releases of information to the media, the LEA must coordinate in advance of release with the ICE Office of Public Affairs, which will consult the ICE Privacy Office for approval prior to any release. The points of contact for ICE and the LEA for this purpose are identified in Appendix C. For releases of information to all other parties, the LEA must coordinate in advance of release with the FOD or the FOD's representative.

Information obtained or developed as a result of this MOA, including any documents created by the LEA that contain information developed or obtained as a result of this MOA, is under the control of ICE and shall not be disclosed unless: 1) permitted by applicable laws, regulations, or executive orders; and 2) the LEA has coordinated in advance of release with (a) the ICE Office of Public Affairs, which will consult the ICE Privacy Office for approval, prior to any release to the media, or (b) an ICE officer prior to releases to all other parties. LEA questions regarding the applicability of this section to requests for the release of information shall be directed to an ICE officer.

Nothing herein limits LEA's compliance with state public records laws regarding those records that are solely state records and not ICE records.

VI. MODIFICATIONS TO THIS MOA

Modifications to this MOA must be proposed in writing and approved and signed by both parties. Modification to Appendix A shall be done in accordance with the procedures outlined in the SOP.

VII. POINTS OF CONTACT

ICE and the LEA points of contact (POCs) for purposes of this MOA are:
For the LEA: Sheriff, Las Vegas Metropolitan Police Department
For DHS: Salt Lake City Field Office Director

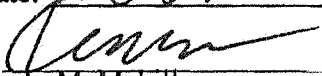
VIII. EFFECTIVE DATE AND TERMINATION OF THIS MOA

This MOA becomes effective upon signature of both parties and will remain in effect until either party, upon 90-day written notice to the other party, provides notice of termination or suspension of the MOA. A termination or suspension notice by ICE shall be delivered personally or by certified or registered mail to the LEA and termination or suspension shall take effect 90-days after

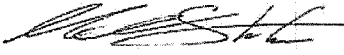
receipt of such notice, unless exigent circumstances involving public safety dictate otherwise. Notice of termination or suspension by the LEA shall be given to the FOD and termination or suspension shall take effect 90-days after receipt of such notice, unless exigent circumstances involving public safety dictate otherwise.

This MOA does not, is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any person in any matter, civil or criminal.

By signing this MOA, each party represents it is fully authorized to enter into this MOA, accepts the terms, responsibilities, obligations, and limitations of this MOA, and agrees to be bound thereto to the fullest extent allowed by law.

Date: 053025

Kevin McMahon
Sheriff
Las Vegas Metropolitan Police Dept

Date: 6/16/2025

Signature: 
Madison Sheahan
Title: Deputy Director
Agency: U.S. Immigration and
Customs Enforcement
Department of Homeland Security

APPENDIX A STANDARD OPERATING PROCEDURES (SOP)

The purpose of this appendix is to establish standard, uniform procedures for the implementation and oversight of the program within the FOD area of responsibility. This appendix can be modified only in writing and by mutual acceptance of ICE and the LEA.

Pursuant to this MOA, the LEA has been delegated authorities as outlined below. This MOA is designed to facilitate the custodial transfer of designated aliens in LEA's jail/correctional facilities to ICE within 48 hours of alien's release from criminal custody.

Authorized Functions:

Participating LEA personnel are only delegated the two authorities listed below:

- The power and authority to serve and execute warrants of arrest for immigration violations, 8 U.S.C. § 1357(a) and 8 C.F.R. § 287.5(e)(3), on designated aliens in LEA jail/correctional facilities at the time of the alien's scheduled release from criminal custody in order to transfer custody of the alien to ICE; and
- The power and authority to serve warrants of removal, 8 U.S.C. § 1357(a) and 8 C.F.R. §§ 241.2(b)(2), 287.5(e)(3), on designated aliens in LEA jail/correctional facilities at the time of the alien's scheduled release from criminal custody that executes the custodial transfer of the alien to ICE for removal purposes.

Upon transfer of the alien's custody to ICE, the alien will continue to be held in the LEA's jail/correctional facilities for no more than 48 hours unless there exists an agreement pursuant to which the LEA will continue to detain, for a reimbursable fee, aliens for immigration purposes. In the absence of an agreement, if the alien is not transferred to an ICE field office or an immigration detention facility within 48 hours, the alien shall be released from the LEA jail/correctional facility.

Additional Supervisory and Administrative Responsibilities:

The above immigration enforcement functions conducted by the participating LEA personnel will be supervised and directed by ICE. Participating LEA personnel are not authorized to perform immigration officer functions except when working under the supervision or direction of ICE. Additional supervisory and administrative responsibilities for each entity include, but are not limited to:

- The LEA shall provide notification to the ICE officer immediately after participating LEA personnel serve any warrant of arrest or warrant of removal that executes the custodial transfer of the alien to ICE for removal purposes, in a manner mutually agreed upon by the LEA and the FOD.
- Participating LEA personnel must report all encounters with asserted or suspected claims of U.S. citizenship to ICE immediately, but generally within one hour of the claim.

APPENDIX B COMPLAINT PROCEDURE

The training, supervision, and performance of participating LEA personnel pursuant to the MOA, as well as the protections for U.S. citizens' and aliens' civil and constitutional rights, are to be monitored. Part of that monitoring will be accomplished through the complaint reporting and resolution procedures, which the parties to the MOA have agreed to follow.

If any participating LEA personnel are the subject of a complaint or allegation involving the violation of the terms of this MOA or a complaint or allegation of any sort that may result in that individual receiving professional discipline or becoming the subject of a criminal investigation or civil lawsuit, the LEA shall, to the extent allowed by State law, make timely notification to an ICE officer within 48 hours, excluding weekends, of the existence and nature of the complaint or allegation. The results of any internal investigation or inquiry connected to the complaint or allegation and the resolution of the complaint shall also be reported to an ICE officer, as established by ICE. It is the responsibility of the ICE officer to ensure notification is made to the ICE Office of Professional Responsibility (OPR) via the Joint Intake Center (JIC) at JointIntake@cbp.dhs.gov.

The LEA will also handle complaints filed against LEA personnel who are not designated and certified pursuant to this MOA but are acting in immigration functions in violation of this MOA. Any such complaints regarding non-designated LEA personnel acting in immigration functions must be forwarded to the ICE officer within 48 hours of the LEA receiving notice of the complaint. It is the responsibility of the ICE officer to ensure notification is made to the JIC.

287(g) Complaint Process posters will be displayed in the processing areas of the LEA to ensure aliens encountered under the 287(g) Program are aware of the complaint process. Posters will be displayed in English and Spanish. If the alien understands a language other than English or Spanish or is unable to read, LEA personnel will read and/or translate the complaint process in a language the alien understands.

APPENDIX C PUBLIC INFORMATION POINTS OF CONTACT

Pursuant to Section V(D) of this MOA, the signatories agree to coordinate appropriate release of information to the media, provided the release has been previously approved by both the ICE Privacy Officer and Public Affairs Officer, regarding actions taken under this MOA before any information is released. The points of contact for coordinating such activities are:

For the Las Vegas Metropolitan Police Dept:

Public Information Office
400 S Martin L King Blvd
Las Vegas, NV 89106
702-828-4082

For ICE:

Public Affairs Office
Office of Public Affairs and Internal Communication
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Washington, DC 20536
202-732-4242

EXHIBIT 2

Sample Form I 205: Warrant of Removal/Deportation

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

To any immigration officer of the United States Department of Homeland Security:

(Full name of alien)

who entered the United States at _____ on _____
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

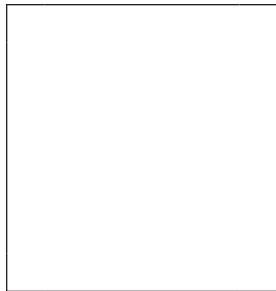
(Signature of immigration officer)

(Title of immigration officer)

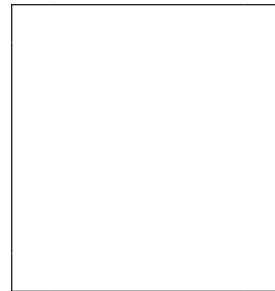
(Date and office location)

To be completed by immigration officer executing the warrant: Name of alien being removed:

Port, date, and manner of removal:



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of immigration officer taking print)

Departure witnessed by:

(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by:

(Signature and title of immigration officer)

EXHIBIT 3

Sample Form I 200: Warrant of Arrest

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

EXHIBIT 4

DSD Immigration Report



Weekly DSD Immigration Report

Reporting Totals for 8/26/2025 - 9/1/2025		Previous Period Totals	YTD Totals
# Total Foreign Born With Qualifying Charges	227	225	2268
# Total Unknowns with Qualifying Charges	17	14	326
# Total Notices Sent	84	114	2681
# I-200 Detainers Received	21	18	661
# I-200 Releases	17	25	603
# I-200 Picked Up	12	23	441
# I-200 Released W/O Pick-Up	5	2	162
# I-205 Warrants Received	2	12	252
# I-205 Releases	3	13	227
# I-205 Picked Up	2	11	173
# I-205 Released W/O Pick-Up	1	2	54
# I-247 (A/G) Stand-Alone	0	2	44
# I-247 Picked Up	0	2	38
# I-200 Detainers Received w/o QA Offense	0	1	29
# I-205 Warrants Received w/o QA Offense	0	2	22
Total # of Releases with Neither I-200/I-205	17	16	1035

-Total # of Releases with Neither I-200/I-205 does not include unknowns

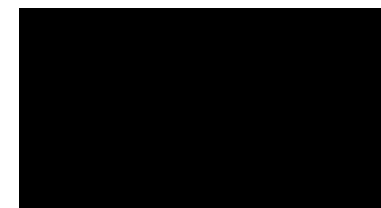


EXHIBIT 5

Inpatient Referral Emails

Get [Outlook for iOS](#)

From: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>
Sent: Friday, August 22, 2025 5:01:55 PM
To: Sadmira Ramic <ramic@aclunv.org>
Subject: Fw: Sergio Morais Hechaavarria

This Message Is From an External Sender
This message came from outside your organization.

From: Samiko Swonger <S9615S@LVMPD.COM>
Sent: Tuesday, August 19, 2025 7:23 PM
To: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>; Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>
Subject: RE: Sergio Morais Hechaavarria

The DC case is still active. In order for CCDC to release him to ICE, the order to go to Inpatient will have to be rescinded.

From: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>
Sent: Tuesday, August 19, 2025 6:27 PM
To: Samiko Swonger <S9615S@LVMPD.COM>; Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>
Subject: Re: Sergio Morais Hechaavarria

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

Right, his county charges were satisfied today (he was ordered to probation and to inpatient treatment). How long do you hold inmates on an ICE warrant/detainer if they are not picked up by ICE before they are released?

Get [Outlook for iOS](#)

From: Samiko Swonger <S9615S@LVMPD.COM>
Sent: Tuesday, August 19, 2025 6:22:47 PM
To: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>; Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>
Subject: RE: Sergio Morais Hechaavarria

He has a warrant so his county charges have to be satisfied before he can be released to ICE.

From: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>

Sent: Tuesday, August 19, 2025 6:20 PM

To: Samiko Swonger <S9615S@LVMPD.COM>; Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>

Subject: Re: Sergio Morais Hechaavarria

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

How long are you holding inmates on ICE detainees before they are released?

Thank you,
Nicole Weis

Get [Outlook for iOS](#)

From: Samiko Swonger <S9615S@LVMPD.COM>

Sent: Tuesday, August 19, 2025 6:18:04 PM

To: Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>

Cc: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>

Subject: RE: Sergio Morais Hechaavarria

He has an ICE warrant so he can't go to Inpatient Treatment.

From: Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>

Sent: Tuesday, August 19, 2025 4:51 PM

To: Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>; Samiko Swonger <S9615S@LVMPD.COM>

Cc: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>

Subject: Sergio Morais Hechaavarria

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

Please see above referral for Sergio Morais Hechaavarria, he is ready to go as soon as bed becomes available.

Glennie Chavez, LMSW

Social Worker

Clark County Public Defender's Office

P: (702) 455-2140 / F: (702) 383-2873

Glennie.chavez@clarkcountynv.gov

AA105

EXHIBIT 6

Morais-Hechavarria Judgment of Conviction

1 **JOC**

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 THE STATE OF NEVADA,

5 Plaintiff,

6 -vs-

7 SERGIO MORAIS-HECHAVARRIA,
8 #8332753

9 Defendant.

CASE NO: C-25-392542-1

DEPT NO: XXI

10 **JUDGMENT OF CONVICTION**

11 **(PLEA OF GUILTY)**

12 The defendant previously appeared before the Court with counsel and entered a plea
13 of guilty to the crime of ATTEMPT POSSESSION OF STOLEN VEHICLE (Category D
14 Felony/Gross Misdemeanor), in violation of NRS 205.273; 193.153; thereafter, on the 19th
15 day of August, 2025, the defendant was present in court for sentencing with counsel, NICOLE
16 A. WEIS, Deputy Public Defender and good cause appearing,

17 THE DEFENDANT WAS HEREBY ADJUDGED guilty under the gross misdemeanor
18 statute of said offense and, in addition to the \$25.00 Administrative Assessment fee, \$3.00
19 DNA Collection fee, and a \$150.00 DNA analysis fee, WAIVED having been previously
20 submitted, Defendant SENTENCED to THREE HUNDRED SIXTY-FOUR (364) DAYS in the
21 Clark County Detention Center (CCDC), SUSPENDED; placed on Probation for an
22 indeterminate period not to exceed TWELVE (12) MONTHS. In addition to the Standard
23 Conditions of the Division of Parole and Probation (P & P), which are IMPOSED, Defendant
24 must comply with the following SPECIAL CONDITIONS:

25 1. Defendant to enter and complete an Inpatient Program. Deft. is to remain in custody
26 pending Parole and Probation (P & P) transport to inpatient treatment. Upon completion of
27 the inpatient treatment the Defendant is to transition to an outpatient program.
28

2. Defendant to remain in compliance with any substance abuse and mental health counseling/treatment plan as conditioned post treatment after the inpatient program.

BOND, if any, EXONERATED.

Dated this 2nd day of September, 2025



40A FFB 8EFB BA4F
Tara Clark Newberry
District Court Judge

EXHIBIT 7

Declaration of Athar
Haseebullah

1 **DECL**
2 SADMIRA RAMIC, ESQ. (15984)
3 CHRISTOPHER M. PETERSON, ESQ. (13932)
4 **AMERICAN CIVIL LIBERTIES**
5 **UNION OF NEVADA**
6 4362 W. Cheyenne Ave.
7 North Las Vegas, NV 89032
8 Telephone: (702) 366-1226
9 Facsimile: (702) 718-3213
10 Emails: peterson@aclunv.org
11 ramic@aclunv.org

12 *Attorneys for Petitioners*

13
14 **EIGHTH JUDICIAL DISTRICT COURT**
15
16 **CLARK COUNTY, NEVADA**

17 AMERICAN CIVIL LIBERTIES UNION OF
18 NEVADA, a domestic nonprofit organization;
19 SERGIO MORAIS-HECHAVARRIA, an
20 individual,
21
22 Petitioners,

23 vs.

24 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a governmental entity; KEVIN
MCMAHILL, in his official capacity as Las Vegas
Metropolitan Police Department Sheriff,

Respondents.

Case No.:

Department:

25
26 **DECLARATION OF ATHAR HASEEBULLAH IN SUPPORT OF PETITIONERS'**
27 **PETITION FOR WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, PETITION**
28 **FOR WRIT OF HABEAS CORPUS AND OPENING BRIEF**

29 I, Athar Haseebullah, Esq., on behalf of the American Civil Liberties Union of Nevada ("ACLU
30 of Nevada"), under penalty of perjury declare:

- 31 1. I am over the age of 18 and I am competent to testify.

1 2. I am the Executive Director of ACLU of Nevada and an attorney authorized to
2 practice law in Nevada.

3 3. I have personal knowledge of the facts set forth in this declaration.

4 4. I make this declaration in support of the Petition for Writ of Mandamus or, in the
5 alternative, Petition for Writ of Habeas Corpus and the Opening Brief in support of the Petition
6 for Writ of Mandamus or, in the alternative, Petition for Writ of Habeas Corpus.

7 5. ACLU of Nevada is a non-partisan, nonprofit organization that works to defend and
8 advance the civil liberties and civil rights of all Nevadans.

9 6. As the guardian of civil liberties of all Nevadans for over 55 years, and more than
10 5,000 members in the state of Nevada, preventing constitutional and statutory violations is of
11 substantial interest to ACLU of Nevada.

12 7. ACLU of Nevada's mission is to defend and advance the civil liberties, civil rights,
13 and other fundamental human rights of all Nevadans.

14 8. As part of that mission, ACLU of Nevada has litigated and continues to litigate
15 numerous lawsuits related to ensuring government actors are transparent and acting within the
16 bounds of Nevada law with respect to immigration enforcement. Ongoing litigation includes
17 *American Civil Liberties Union of Nevada v. Las Vegas Metropolitan Police Department*, No. A-
18 25-922734-W (Eighth Jud. Dist. Ct. Clark Cnty., Nev. filed Jul. 9, 2025) and *American Civil*
19 *Liberties Union of Nevada v. State of Nevada, Department of Motor Vehicles*, No. 25EW000261B
20 (First Jud. Dist. Ct. Carson City, Nev. filed Aug. 15, 2025).

21 9. In litigating *ACLU of Nevada v. LVMPD*, ACLU of Nevada obtained data showing
22 that, as of September 1, 2025, LVMPD received a total of 957 requests from ICE to detain people
23 on its behalf for the year 2025, which is directly related to the impact of the 287(g) agreement at
24 issue in this case.

1 10. Ensuring government entities like Las Vegas Metropolitan Police Department
2 comply with Nevada law and do not act outside their legal authority is germane to ACLU of
3 Nevada purpose.

4 11. In addition to ACLU of Nevada's litigation ensuring government transparency in
5 immigration enforcement and compliance with Nevada law, ACLU of Nevada provides "Know
6 Your Rights" training and publishes "Know Your Rights" materials about rights related to
7 immigration law and enforcement.

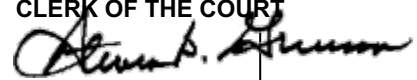
8 12. ACLU of Nevada also provides businesses with "Know Your Rights" posters and
9 makes "Know Your Rights" materials related to immigration rights available on its website.

10 13. It is germane to ACLU of Nevada's purpose to represent the rights and interests of
11 people throughout Nevada, including Petitioner Sergio Morais-Hechavarria.

12
13 This declaration was executed October 9, 2025, in Clark County, Nevada.

14
15 I declare under penalty of perjury that the foregoing
16 is true and correct.

17 By: 
18 ATHAR HASEEBULLAH, ESQ.
19 NV Bar. No #13646
20
21
22
23
24



1 **NCCH**
2 SADMIRA RAMIC, ESQ. (15984)
3 CHRISTOPHER M. PETERSON, ESQ. (13932)
4 **AMERICAN CIVIL LIBERTIES**
5 **UNION OF NEVADA**
6 4362 W. Cheyenne Ave.
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Telephone: (702) 366-1226
Facsimile: (702) 718-3213
Emails: peterson@aclunv.org
ramic@aclunv.org
Attorneys for Petitioners

8 **EIGHTH JUDICIAL DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 AMERICAN CIVIL LIBERTIES UNION OF
11 NEVADA, a domestic nonprofit organization;
12 SERGIO MORAIS-HECHAVARRIA, an
individual,

13 Petitioners,

14 vs.

15 LAS VEGAS METROPOLITAN POLICE
16 DEPARTMENT, a governmental entity; KEVIN
MCMAHILL, in his official capacity as Las Vegas
Metropolitan Police Department Sheriff,

17 Respondents.

Case No.: A-25-930343-W

Department: 11

**Notice of Change in Petitioner
Sergio Morais-Hechavarria's
Circumstances**

18 Petitioners, American Civil Liberties Union of Nevada ("ACLU of Nevada") and Sergio
19 Morais-Hechavarria, hereby submit this Notice of Change in Petitioner Sergio Morais-
20 Hechavarria's Circumstances. This Notice is supported by the attached Declaration of Petitioners'
21 Counsel.

22 Petitioners submit this Notice to inform this Court that Mr. Morias-Hechavarria was
23 released from the Clark County Detention Center's (CCDC) custody on October 16, 2025, directly
24 to U.S. Immigration and Customs Enforcement (ICE). Decl. Pet'r's Counsel, ¶ 7. Mr. Morias-

1 Hechavarria was not transferred from CCDC to an inpatient treatment facility to carry out the terms
2 of his sentence in his criminal case as ordered by a Nevada District Court judge. Counsel was not
3 informed of Mr. Morias-Hechavarria's release from CCDC and learned of Petitioner's transfer to
4 ICE when counsel visited CCDC to request a legal visit with Mr. Morias-Hechavarria. *Id.* at ¶¶ 4-
5 8. According to the Department of Homeland Security's "Ice Locator," Mr. Morias-Hechavarria
6 is now at the El Paso Service Processing Center located in El Paso, Texas. *Id.* at ¶¶ 9-10.

7
8 Dated October 23, 2025.

9 Respectfully Submitted:

10 **AMERICAN CIVIL LIBERTIES**
11 **UNION OF NEVADA**

12 

13 SADMIRA RAMIC, ESQ. (15984)
14 CHRISTOPHER M. PETERSON, ESQ. (13932)
15 4362 W. Cheyenne Ave.
16 North Las Vegas, NV 89032
17 Telephone: (702) 366-1226
18 Facsimile: (702) 718-3213
19 Emails: ramic@aclunv.org
20 peterston@aclunv.org
21 *Attorneys for Petitioners*
22
23
24

1 **DECLARATION OF PETITIONER’S COUNSEL IN SUPPORT OF**
2 **PETITIONERS’ NOTICE OF CHANGE IN PETITIONER MORIAS-**
3 **HECHAVARRIA’S CIRCUMSTANCES**

4 SADMIRA RAMIC makes the following declaration:

5 1. I am an attorney duly licensed to practice law in the State of Nevada.

6 2. I am an attorney of record for Petitioners American Civil Liberties Union of
7 Nevada and Sergio Morais-Hechavarria in the above case.

8 3. I am familiar with the facts and circumstances of this case.

9 4. On October 21, 2025, I visited the Clark County Detention Center (CCDC)
10 located in Las Vegas, Nevada.

11 5. Upon arriving at the front desk, I requested a legal visit with Mr. Morais-
12 Hechavarria who was being detained at the facility by LVMPD.

13 6. The officer at the front desk informed me that I could not conduct a legal visit
14 with Mr. Morais-Hechavarria because he was not in their custody.

15 7. The officer at the front desk also informed me that Mr. Morais-Hechavarria was
16 released on October 16, 2025, directly to U.S. Immigration and Customs Enforcement
17 (ICE).

18 8. Despite being attorney of record for Mr. Morais-Hechavarria in this matter, at no
19 point prior to October 21, 2025, was I informed of his transfer to ICE.

20 9. After visiting CCDC on October 21, 2025, I conducted a search for Mr. Morais-
21 Hechavarria using the “ICE locator” on the official website of the Department of
22 Homeland Security.

23 10. The ICE locator indicated that Mr. Morais-Hechavarria was in ICE custody and
24 was moved from Las Vegas, Nevada to the El Paso Service Processing Center located
 in El Paso, Texas.

1 11.Despite being attorney of record for Mr. Morais-Hechavarria in this matter, no
2 one informed me that he was transported out of Nevada to Texas.

3
4 I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).
5 EXECUTED this 22nd day of October, 2025.

6 /s/ Sadmira Ramic
7 Sadmira Ramic
8 Senior Staff Attorney
9 ACLU of Nevada
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24

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on October 23, 2025, I electronically filed a true and correct copy of
3 the forgoing NOTICE OF CHANGE IN PETITIONER SERGIO MORAIS-HECHAVARRIA'S
4 CIRCUMSTANCES. I further certify that all participants in the case are registered CM/ECF users
5 and that service will be accomplished on all participants by:

- 6
- 7 ☒ CM/ECF
- 8 ☐ Electronic mail; or
- 9 ☐ US Mail or Carrier Service
- 10

11 /s/ Sadmira Ramic

12 SADMIRA RAMIC

13 An employee of the ACLU of Nevada

14

15

16

17

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19

20

21

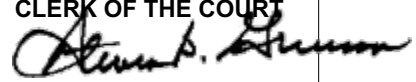
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23

24

IN THE EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF CLARK

Electronically Filed
10/23/2025 3:39 PM
Steven D. Grierson
CLERK OF THE COURT



Sergio Morais Hechavarria; American Civil Liberties
Union of Nevada,

Plaintiff(s),

CASE NO: A-25-930343-W

VS.

Las Vegas Metropolitan Police Department; LVMPD
Sheriff Kevin McMahon,

Defendant(s),

DECLARATION OF SERVICE

SS.:

JOHN WHITE, being duly sworn says: That at all times herein Affiant was and is a citizen of the United States, over 18 years of age, and not a party to nor interested in the proceedings in which this Affidavit is made.

That Affiant received copy(ies) of the **CIVIL COVER SHEET; SUMMONS - CIVIL; INITIAL APPEARANCE FEE DISCLOSURE; PETITION FOR WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, VERIFIED PETITION FOR WRIT OF HABEAS CORPUS; OPENING BRIEF; NOTICE OF HEARING** On 10/14/2025 and served the same on 10/15/2025 at 10:32 AM by delivery and leaving a copy with:

By then and there personally delivering a true and correct copy of the documents into the hands of and leaving with **Marlene Brok** whose title is **paralegal**.

Served on behalf of **Las Vegas Metropolitan Police Department**

Service Address: **Las Vegas Metropolitan Police Department - 400 S Martin L King Blvd , Las Vegas, NV 89106-4372**

A description of Marlene Brok is as follows

Gender	Color of Skin/Race	Hair	Age	Height	Weight
Female	Caucasian	Brown	46-50	5'1 - 5'6	141-160 Lbs

Pursuant to NRS 239B.030 this document does not contain the social security number of any person.

Affiant does hereby affirm under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

STATE OF NEVADA
COUNTY OF Clark

Executed on: 10/23/2025
by JOHN WHITE
Registration: R-2019-00318

No notary is required per NRS 53.045

X



JOHN WHITE
Registration: R-2019-00318
Reno Carson Messenger Service, Inc #211
185 Martin St.
Reno, NV 89509
(775) 322-2424
www.renocarson.com

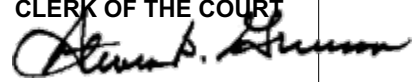


Order#: R208667 NVPRF411

AA118

IN THE EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF CLARK

Electronically Filed
10/23/2025 3:39 PM
Steven D. Grierson
CLERK OF THE COURT



Sergio Morais Hechavarria; American Civil Liberties
Union of Nevada,

Plaintiff(s),

CASE NO: A-25-930343-W

VS.

Las Vegas Metropolitan Police Department; LVMPD
Sheriff Kevin McMahon,

Defendant(s),

DECLARATION OF SERVICE

SS.:

JOHN WHITE, being duly sworn says: That at all times herein Affiant was and is a citizen of the United States, over 18 years of age, and not a party to nor interested in the proceedings in which this Affidavit is made.

That Affiant received copy(ies) of the **CIVIL COVER SHEET; SUMMONS - CIVIL; INITIAL APPEARANCE FEE DISCLOSURE; PETITION FOR WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, VERIFIED PETITION FOR WRIT OF HABEAS CORPUS; OPENING BRIEF; NOTICE OF HEARING** On 10/14/2025 and served the same on 10/15/2025 at 10:32 AM by delivery and leaving a copy with:

By then and there personally delivering a true and correct copy of the documents into the hands of and leaving with **Marlene Brok** whose title is **Paralegal**.

Served on behalf of **LVMPD Sheriff Kevin McMahon**

Service Address: **Las Vegas Metropolitan Police Department - 400 S Martin L King Blvd , Las Vegas, NV 89106-4372**

A description of Marlene Brok is as follows

Gender	Color of Skin/Race	Hair	Age	Height	Weight
Female	Caucasian	Brown	46-50	5'1 - 5'6	141-160 Lbs

Pursuant to NRS 239B.030 this document does not contain the social security number of any person.

Affiant does hereby affirm under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

STATE OF NEVADA
COUNTY OF Clark

Executed on: 10/23/2025
by JOHN WHITE
Registration: R-2019-00318

No notary is required per NRS 53.045

X



JOHN WHITE
Registration: R-2019-00318
Reno Carson Messenger Service, Inc #211
185 Martin St.
Reno, NV 89509
(775) 322-2424
www.renocarson.com



Order#: R208667A NVPRF411

AA119

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

October 27, 2025

A-25-930343-W	Sergio Morais-Hechavarria, Plaintiff(s)
	vs.
	Las Vegas Metropolitan Police Department,
	Defendant(s)

October 27, 2025	12:30 AM	Minute Order
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HEARD BY: Jones, Tierra	COURTROOM: Chambers
-------------------------	---------------------

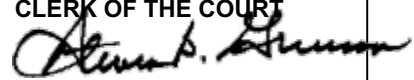
COURT CLERK: Ryan Cardwell

PARTIES None – Minute Order Issued from Chambers
PRESENT:

JOURNAL ENTRIES

The underlying case involves a Writ of Habeas Corpus related to the criminal case C-25-392542-1, that is assigned to Department 21. As such, pursuant to EDCR 1.60(a) this case is being reassigned to Department 21.

CLERK'S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (10/27/2025 rc).



Alex L. Fugazzi, Esq.
Nevada Bar No. 9022
Alexis R. Wendl, Esq.
Nevada Bar No. 15351
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awendl@swlaw.com

*Attorneys for Las Vegas Metropolitan
Police Department and Sheriff Kevin McMahon*

DISTRICT COURT
CLARK COUNTY, NEVADA

AMERICAN CIVIL LIBERTIES UNION OF
NEVADA, a domestic nonprofit organization;
SERGIO MORAIS-HECHAVARRIA, an
individual,

Petitioners,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a governmental entity;
KEVIN MCMAHILL, in his official capacity
as Las Vegas Metropolitan Police Department
Sheriff,

Respondents.

Case No. A-25-930343-W

Reassigned to Case No. C-25-392542-1

Department: XXI

**RESPONDENTS' RESPONSE TO
PETITION FOR WRIT OF
MANDAMUS OR, IN THE
ALTERNATIVE, VERIFIED PETITION
FOR WRIT OF HABEAS CORPUS**

**Hearing Date: October 30, 2025
Hearing Time: 10:00 a.m.**

Respondents Las Vegas Metropolitan Police Department ("LVMPD") and Sheriff Kevin McMahon ("Sheriff McMahon") and collectively "Respondents") submit their Brief in Response to the Petition for Writ of Mandamus or, in the alternative, Petition for Writ of Habeas Corpus and Opening Brief (together, the "Petition"), filed by Petitioners American Civil Liberties Union of Nevada ("ACLU") and Sergio Morais-Hechavarria ("Mr. Morais-Hechavarria").

This Response is supported by the Memorandum of Points and Authorities below, the

papers and pleadings on file in this and the related action,¹ the declaration of Deputy Chief Nita Schmidt attached as **Exhibit A** (“Schmidt Declaration”), the exhibits attached hereto, and any oral argument the Court may entertain.

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

The Petition should be denied in its entirety on multiple independent grounds. Petitioners fail to identify unlawful conduct or a departure from LVMPD’s established procedures. This case challenges a routine, policy-driven release. LVMPD followed Policy 4.166 and standard Clark County Detention Center (“CCDC”) procedures to coordinate a same-morning transfer to federal custody when state criminal custody ended. Policy 4.166 requires Detention Services Division (“DSD”) to notify ICE at booking and at release for specified public-safety offenses and directs release unless ICE is present at release or a federal judicial warrant exists.

That is exactly what happened here. When an inpatient bed aligned with release processing of Mr. Morais-Hechavarria on October 16, 2025, CCDC notified ICE, ICE confirmed a routine pickup window, and Mr. Morais-Hechavarria was transferred that morning *before* his criminal detention at CCDC ended. No LVMPD officer performed a civil immigration arrest. No one extended custody for investigation. The 287(g) memorandum of agreement (“Agreement” or “MOA”) was not operational at that time and played no role in Mr. Morais-Hechavarria’s release.

The record also shows why LVMPD treated this booking as a public-safety matter. Over the last two years, Mr. Morais-Hechavarria has engaged in repeated criminal conduct and evasive behavior. In June 2023, he was caught in a stolen Mercedes with methamphetamine, admitted he “kinda knew” the car was stolen, and then failed to appear in court, resulting in a bench warrant. In June 2025, he was re-arrested for domestic battery on a pregnant victim and for obstruction after giving officers a false identity, and while in custody he initiated a fight captured on video by throwing the first punches. Against that backdrop, LVMPD followed Policy 4.166 and routine

¹ The Court may take judicial notice of filings and records in *State v. Morais-Hechavarria*, Case No. C-25-392542-1, because they are matters of public record directly relevant to this proceeding. See NRS 47.130(2); *Mack v. State*, 118 Nev. 124, 130, 40 P.3d 447, 450 (2002).

1 DSD release procedures and coordinated an ordinary ICE pickup at the release threshold.

2 The Petition fails at the threshold for multiple, independent reasons that make a merits
3 ruling unnecessary. First, the challenged restraint is federal. Petitioners target an ICE detainer and
4 a DHS Form I-205 Warrant of Removal, both federal administrative instruments issued and
5 executed by federal officers. Nevada habeas must be directed to the custodian “who has the
6 petitioner in custody or under restraint,” and this Court cannot issue effective relief against nonparty
7 federal custodians. NRS 34.390(2); NRS 34.400. The district court already recognized as much
8 when it expressly stated it lacked jurisdiction to “lift” an ICE hold. Second, the detention claim is
9 moot. Mr. Morais-Hechavarria was transferred to ICE on October 16, 2025. There is no ongoing
10 LVMPD restraint to enjoin, and no exception to mootness applies to this unusual confluence of a
11 state inpatient-transport order and a contemporaneous federal removal warrant. Third, Petitioners’
12 attack on the 287(g) MOA is unripe: the MOA was signed but not operational. No LVMPD
13 personnel have exercised any authority under the MOA and every step at issue occurred under
14 Policy 4.166 and ordinary release procedures. Fourth, the ACLU lacks a beneficial interest for
15 mandamus and cannot satisfy Nevada’s associational standing requirements, particularly where
16 individualized habeas was available to the directly affected individual. Finally, extraordinary writ
17 review is unwarranted because ordinary remedies exist for any future controversy, Petitioners’
18 remaining theories are fact-dependent, and, with the restraint ended, the Petition seeks advisory
19 declarations untethered to a live dispute.

20 Even if the Court reached the merits, Petitioners still would not prevail on any of their
21 asserted arguments. Their *ultra vires* theory rests on a misreading of both federal and Nevada law.
22 As to federal law, Congress authorized cooperative 287(g) arrangements in the Immigration and
23 Nationality Act and, where implemented, participating officers act under federal supervision to
24 perform narrowly delineated federal functions at the moment of criminal release. As to Nevada
25 law, the Sheriff’s express duties to keep the peace, serve process, and apprehend offenders, together
26 with LVMPD’s consolidated authority and implied operational powers, comfortably encompass
27 jail-based coordination and release-boundary handoffs to other agencies. Nothing in NRS 211.060,
28

1 NRS 31.470, or Chapter 171 prohibits a contemporaneous, federally supervised transfer at release.
2 Policy 4.166 forbids detainer-only holds, requires no delay, and mandates release if ICE is not
3 present and there is no judicial warrant. And if Petitioners' reading of state law were thought to
4 disable federally supervised, time-of-release transfers or service of federal administrative
5 paperwork, it would be preempted as an obstacle to Congress's objectives in the INA's cooperative
6 framework.

7 On this record, there was no local civil or criminal arrest, no discretionary "hold," and no
8 287(g) enforcement. There was only a brief, federally supervised transfer at the release boundary,
9 fully consistent with Policy 4.166 and Nevada law. The Court should deny the Petition in its
10 entirety, dismissing the detention claim as moot, rejecting the challenge as unripe, dismissing the
11 ACLU for lack of standing, declining extraordinary writ review, and, in all events, rejecting
12 Petitioners' *ultra vires* theories on the merits.

13 FACTUAL BACKGROUND

14 I. Policy 4.166 Mandates Standardized ICE Notifications and a No-Delay Release Rule.

15 This matter arises from a routine, policy-driven jail release in which CCDC coordinated a
16 same-morning, at-threshold transfer to federal custody after Mr. Morais-Hechavarria completed
17 state criminal processing. The governing framework was LVMPD Policy 4.166 and
18 complementary guidance, together with DSD's standard release procedures and recordkeeping.
19 LVMPD Policy 4.166 (Jan./Feb. 2025), attached as **Exhibit B**; Nevada Sheriffs' & Chiefs'
20 Association Immigration and Customs Enforcement Law Enforcement Model Policy (2025) (the
21 "**NVSCA Model Policy**"), attached as **Exhibit C**; DSD Releasing Procedures (immigration-related
22 release provisions) at 91–96, attached as **Exhibit D**. Policy 4.166 requires DSD to notify ICE at
23 booking and again at release for qualifying public-safety offenses, prohibits any stop, detention,
24 arrest, or "immigration hold" based solely on immigration status, and provides that LVMPD will
25 not delay an inmate's release for ICE. Ex. B. If ICE is not present when an inmate otherwise
26 becomes releasable and there is no federal judicial warrant, DSD must proceed with release. *Id.*
27 DSD operationalizes these directives through standardized notifications and annotations, including
28

1 “IMM notified @ [date/time]” and “IMM WARRANT @ [date/time],” and through a Weekly
2 Immigration Report that tracks outcomes as “Picked Up,” “Released W/O Pick-Up,” and “Total
3 Notices Sent.” Pet. Ex. 4 (Weekly DSD Immigration Report, reporting period 8/26/2025–
4 9/1/2025); Ex. D at 92–96. The release procedures confirm that Records will email ICE a Transfer
5 and Custody Receipt (“TCR”) for qualifying foreign-born inmates, will not provide an approximate
6 release time, and will not delay release for pickup. *See* Ex. D. If ICE has not arrived within a
7 defined window after an I-205 pickup confirmation, Records proceeds with release. Ex. D at 91–
8 96.

9 LVMPD also executed a Warrant Service Officer (“WSO”) MOA with ICE on June 16,
10 2025. However, the MOA program (“Program”) was not operational during the events at issue.
11 Ex. A, Schmidt Declaration, ¶¶ 13–15, 21–22. Though LVMPD anticipates over two dozen officers
12 will participate in the program, ICE had not issued or activated credentials for participating
13 personnel, and no officer served or executed any ICE administrative warrant under § 287(g) in Mr.
14 Morais-Hechavarria’s case. *Id.* at ¶¶ 14–15, 21–22.

15 **II. Mr. Morais-Hechavarria’s Public-Safety Arrests Triggered Mandatory**
16 **Booking-and-Release Notifications Under Policy 4.166.**

17 The criminal record and custody posture establish why Policy 4.166 applied from intake
18 through release. On June 3, 2023, LVMPD officers stopped a stolen 2016 Mercedes E350,
19 recovered approximately three grams of methamphetamine from Mr. Morais-Hechavarria, and
20 arrested him for possession/receipt of a stolen vehicle and possession of a Schedule I/II controlled
21 substance. He admitted the substance was “Crystal” and acknowledged he “kinda knew” the
22 vehicle was stolen. DOAR – x0883, attached as **Exhibit E**; EV Officer’s Report – x0883, attached
23 as **Exhibit F**; DOAR – x5161, attached as **Exhibit G**. He was released on his own recognizance
24 the next day. Ex. A, Schmidt Decl. He failed to appear in September 2023, and a bench warrant
25 issued. *Id.* at ¶ 4; *see also* DV Report – x1686, attached as **Exhibit H** (referencing Warrant #23-
26 CR-041490).

27 Nearly two years later, on June 16, 2025, LVMPD re-arrested him for domestic battery on
28

1 a pregnant victim and obstruction by false identification. Ex. H. The arresting officers documented
2 that he initially provided the name “Jorge Lezcano Garcia,” then “Jorge Leandro,” neither of which
3 matched any record. *Id.* The victim identified him as “Sergio Morais,” and officers confirmed his
4 identity through SCOPE and a mugshot. *Id.* The DV report reflects high-risk indicators in the
5 lethality assessment, including affirmative responses that the aggressor had threatened to kill the
6 victim, had attempted to strangle, and had access to a gun, among other risk factors. *Id.* While in
7 CCDC custody on June 20, 2025, he was involved in a fight captured on camera, where he threw
8 the first two punches during a confrontation at medication pass. DOAR – x5161, attached as
9 **Exhibit G**. Though rebooking for felony battery by a prisoner was recommended, no charges were
10 made. *See id.*

11 These public-safety events placed him squarely within Policy 4.166’s notification
12 categories. Ex. B. Consistent with Policy 4.166 and DSD practice, ICE was notified at booking in
13 June 2025. Ex. A, Schmidt Decl. ¶¶ 9–11, 16–17. On June 17, 2025, DHS issued an Immigration
14 Detainer (Form I-247A) checking “A final order of removal” and requesting cooperation “NOT TO
15 EXCEED 48 HOURS” after release when immediate physical custody is impracticable.
16 Immigration Detainer (June 17, 2025), attached as **Exhibit I** (Form I-247A). DHS also issued a
17 Form I-205 Warrant of Removal/Deportation. DHS Warrant of Removal/Deportation, attached as
18 **Exhibit J** (Form I-205); *See also* Pet. Exs. 2–3; Ex. D (quoting 8 C.F.R. § 287.7 and describing
19 detainer pickup coordination). Under Policy 4.166 and DSD Release Procedures, these are federal
20 administrative instruments that become operative at the moment criminal custody ends. *See* Exs.
21 B–D. They do not modify state custody in the interim and do not authorize LVMPD to delay a
22 state release in the absence of ICE’s contemporaneous presence at the jail release threshold or a
23 federal judicial warrant. Ex. B; Ex. D at 92–96; *see also* Ex. A, Schmidt Decl. ¶¶ 16–19.

24 **III. The Sentencing Order Required Continued CCDC Custody and Created an** 25 **At-Release Sequencing Conflict with DHS Paperwork.**

26 The criminal proceedings then defined the custody pathway. On July 8, 2025, in District
27 Court Case C-25-392542-1, Mr. Morais-Hechavarria pleaded guilty to Attempted Possession of a
28

1 Stolen Vehicle. He was sentenced on August 19, 2025, to a suspended 364-day term with up to
2 twelve months of probation, with the specific condition that he “remain in custody pending Parole
3 and Probation transport to an inpatient facility.” The Judgment of Conviction was filed on
4 September 2, 2025. Pet. Ex. 6 at 1–3. Immediately after sentencing, the public defender’s social
5 worker advised that he was ready to go “as soon as a bed becomes available.” Pet. Ex. 5. DSD
6 responded that an ICE warrant existed and explained that, for CCDC to release him to ICE rather
7 than to Parole and Probation for inpatient transport, the inpatient order would need to be rescinded
8 or clarified by the court. *See* Email RE_ Sergio Morais Hechaavarria, attached as **Exhibit K** (“In
9 order for CCDC to release him to ICE, the order to go to Inpatient will have to be rescinded.”). The
10 point was sequencing, not discretion. The court’s order required continued secure custody at CCDC
11 pending a coordinated transport by Parole and Probation. The DHS I-205 would become actionable
12 at the instant criminal custody ended. Ex. B; Ex. D at 92–96; Ex. A, Schmidt Decl. ¶¶ 23–25.

13 Because DSD had explained that both the inpatient condition and the federal administrative
14 warrant would both trigger at the release boundary, DSD sought court direction. On September 9,
15 2025, DSD asked the court to calendar a status check because Mr. Morais-Hechavarria “is court
16 ordered to Inpatient Treatment, but he also has an ICE warrant which prevents him from being
17 transported.” The matter was set for September 11, 2025. Email Fw: Sergio Morais-Hechavarria
18 (Sept. 9, 2025 email to Court), attached as **Exhibit L**. The court set a status check for September
19 11. *Id.* Simultaneously, the public defender for Mr. Morais-Hechavarria sought court direction on
20 “his transport to inpatient treatment.” *See* Mot. for Status Check, Sept. 9, 2025, attached as **Exhibit**
21 **M**.² At the status check, defense asked the court to “lift the ICE hold” so inpatient transport could
22 proceed. Recorder’s Tr. (Sept. 11, 2025) at 2, attached as **Exhibit N**. The court declined,
23 explaining, “I don’t have the jurisdiction to do that... That is federal government.” *Id.*; *see also*
24 Court Minutes (Sept. 11, 2025), attached as **Exhibit O**. No modification to the inpatient order
25 issued. Ex. A, Schmidt Decl. ¶¶ 24–25. As a result, Mr. Morais-Hechavarria remained in criminal
26

27 ² Mr. Morais-Hechavarria’s public defender, who had been copied on DSD’s August 19 email
28 explaining the issue with the order to go to inpatient, waited three weeks to seek judicial
intervention.

1 custody at CCDC under the inpatient-transport condition. DSD did not hold him for immigration
2 purposes and did not delay any release for ICE. Ex. A, Schmidt Decl. ¶¶ 25, 28.

3 **IV. On October 16, 2025, CCDC executed a same-morning, at-threshold transfer to ICE**
4 **consistent with Policy 4.166.**

5 When Petitioners filed this civil action on October 13, 2025, release processing resumed.
6 Ex. A, Schmidt Decl. ¶¶ 26–27. On October 14, DSD added Mr. Morais-Hechavarria to the October
7 16 inpatient list for WestCare after a bed was confirmed and initiated routine release-window steps,
8 including recorded medication-order notifications for an anticipated October 16 transport slot. *See*
9 Email Chain re Referral & Bed Availability (Aug. 19–Oct. 14, 2025), attached as **Exhibit P** (“I am
10 adding Mr. Morais-Hechaavarria [sic] to the list for 10/16.”); Medication Order Notification (Oct.
11 14, 2025) (listing 10/16/25 @ 0900 WestCare), attached as **Exhibit Q**; Email re Pending Transport
12 List (Oct. 14, 2025), attached as **Exhibit R**.

13 Consistent with Policy 4.166 and DSD procedures, Records notified ICE at 6:56 a.m. on
14 October 16 that Mr. Morais-Hechavarria had an I-205 and was being processed for release.
15 Email—CCDC Records to ICE (Oct. 16, 2025), attached as **Exhibit S**; Ex. A, Schmidt Decl. ¶¶
16 18–19, 26–28. ICE replied at 7:08 a.m., “We can pick up at 0700 with the rest.” Ex. S. ICE
17 assumed custody that morning at the release window. The handoff followed Policy 4.166’s
18 no-delay rule and DSD’s documentation protocols (“IMM notified,” “IMM WARRANT @
19 [pick-up time]”), and it mirrored the routine “Picked Up” outcomes reflected in the Weekly DSD
20 Immigration Reports. Ex. B; Ex. D at 94–96; Pet. Ex. 4; Ex. A, Schmidt Decl. ¶¶ 18–20, 26–28.
21 ***No LVMPD officer served or executed any ICE administrative warrant under § 287(g), and the***
22 ***non-operational MOA played no role.*** Ex. A, Schmidt Decl. ¶¶ 14–15, 21–22.

23 Routine DSD records corroborate standardized processing and no delay. The record reflects
24 normal jail operations during this period. DSD maintained routine notifications and tracked
25 outcomes through its Weekly Immigration Report, which for the reporting period of August 26
26 through September 1, 2025, listed qualifying foreign-born arrests, notices sent, I-200 and I-205
27 receipts, and the “Picked Up” and “Released W/O Pick-Up” results for each category. Pet. Ex. 4.
28 That report underscores standardized, policy-based handling of release-threshold coordination. Ex.

1 A, Schmidt Decl. ¶ 12.

2 LEGAL STANDARD

3 The Court should deny the Petition in its entirety because Petitioners have not met the
4 stringent prerequisites for emergency relief. A writ of mandamus is an extraordinary remedy issued
5 only in the absence of a plain, speedy, and adequate remedy at law and lies to compel the
6 performance of a legal duty or to control a manifest abuse of discretion. *See* NRS 34.160–.170;
7 *Solid State Properties, LLC v. Eighth Jud. Dist. Court*, 133 Nev. 118, 121, 393 P.3d 666, 670 (2017)
8 (noting that “writ relief is an extraordinary remedy”). The decision to entertain such relief is wholly
9 discretionary. *Brown v. Eighth Jud. Dist. Court*, 133 Nev. 916, 918–19 (2017); *State, Dep’t of*
10 *Transp. v. Thompson*, 99 Nev. 358, 361, 662 P.2d 1338, 1340 (1983) (explaining that “a petitioner
11 is never ‘entitled’ to a writ of mandamus” because “it is purely discretionary”). Whether to
12 intervene “‘necessarily turns on the underlying proceedings’ status, the types of issues raised in the
13 writ petition, and whether a future appeal will permit this court to meaningfully review the issues
14 presented.”” *Rolf Jensen & Associates v. Dist. Ct.*, 128 Nev. 441, 444, __ P.3d __ (2012) (citation
15 omitted). Even when a petition invokes important public issues, courts will not “entertain a petition
16 for a writ of mandamus ... unless legal, rather than factual, issues are presented.” *Round Hill Gen.*
17 *Improvement Dist. v. Newman*, 97 Nev. 601, 604 (1981) (citation omitted).

18 Habeas corpus, likewise, is limited to unlawful restraints on liberty and does not furnish
19 relief where legal cause supports custody. By statute, “[e]very person unlawfully committed,
20 detained, confined or restrained of his or her liberty, under any pretense whatever, may prosecute
21 a writ of habeas corpus to inquire into the cause of such imprisonment or restraint.” NRS 34.360.
22 If the writ issues, the custodian must produce the petitioner so the court may determine the legality
23 of custody; the writ “requires only the production of the petitioner to determine the legality of the
24 petitioner’s custody or restraint.” NRS 34.390(2). The court “shall discharge” the petitioner only
25 “[i]f no legal cause be shown for such imprisonment or restraint, or for the continuation thereof.”
26 NRS 34.480. Nevada precedent recognizes that habeas relief addresses questions of law when
27 ordinary procedures are inadequate, but it does not supplant other remedies or invite fact-intensive
28

1 disputes where custody is supported by legal authority. *See Roberts v. Hocker*, 85 Nev. 390, 392,
2 456 P.2d 425, 426–27 (1969) (citation omitted); *Nev. Dep’t of Prisons v. Arndt*, 98 Nev. 84, 85–
3 86, 640 P.2d 1318, 1319 (1982); *see also* NRS 34.390(2); NRS 34.480.

4 As detailed below, the Petition should be denied because Petitioners possess adequate
5 remedies in the ordinary course, their claims are fact-bound rather than purely legal, and they fail
6 to demonstrate any unlawful restraint warranting habeas relief.

7 ARGUMENT

8 **I. Relief Should Be Denied Because the Record Establishes a Lawful, Policy-Compliant** 9 **Release-Boundary Transfer, Not a State Arrest or 287(g) Enforcement.**

10 The undisputed record shows that LVMPD adhered to Policy 4.166 and routine DSD release
11 procedures. LVMPD respected the line between the state sentencing order and ICE’s civil process.
12 The only action was a brief, federally supervised custody transfer at the jail’s release threshold
13 when state custody ended. The 287(g) agreement was not active and played no role. Those facts
14 foreclose Petitioners’ narrative and warrant denial.

15 Policy 4.166 governs ICE notifications and release coordination for qualifying charges. It
16 provides that LVMPD “will not delay the release of an inmate for ICE. However, LVMPD will
17 honor federal judicial warrants for arrest from ICE. If ICE is not present at the time of the inmate’s
18 release, and there is no judicial warrant, DSD will release the inmate.” Ex. B; *see also* Ex. D at 91–
19 96. Standard release annotations such as “IMM notified,” “I-205,” and “IMM WARRANT @
20 [time/date]” are DSD documentation protocols. They are not discretionary immigration
21 enforcement. Pet. Ex. 4; Ex. D at 92–96.

22 On August 19, 2025, the court ordered Mr. Morais-Hechavarria to inpatient treatment as a
23 condition of a suspended sentence and directed that he “remain in custody pending Parole and
24 Probation transport to an inpatient facility.” That order remained operative at all times relevant to
25 this dispute. Separately, ICE had previously issued an administrative Warrant of
26 Removal/Deportation (Form I-205) and an immigration detainer requesting coordination “at the
27 time of the alien’s scheduled release from criminal custody.” *See, e.g.*, 8 C.F.R. §§ 241.2(a)(1)
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1 (I-205); 287.7. These are federal administrative instruments issued and executed by DHS officers;
2 they are not Nevada judicial warrants.

3 The September 11 hearing confirmed the court lacked jurisdiction to lift an ICE hold. After
4 CCDC explained it could not lawfully release Mr. Morais-Hechavarria for treatment while the
5 inpatient-transport order remained in effect and an I-205 governed transfer at the criminal-release
6 boundary, defense sought a status check. At the hearing, defense counsel asked the court to lift the
7 ICE hold. The court responded, “I don’t have the jurisdiction to do that. That is federal
8 government.” Ex. L at 2. The minute order reflects the same ruling: “Ms. Weis requested the Court
9 lift the ICE hold ... Court advised it did not have jurisdiction.” Ex. M. This confirms two points
10 Petitioners do not confront. The hold was federal, and no state-court directive was defied.

11 The October 16 same-day transfer to ICE followed routine release procedures. The short
12 interval between sentencing and release reflected procedural constraints. No inpatient bed was
13 secured while the inpatient-transport order remained in place, and there was no change to the
14 I-205. CCDC could not act unilaterally on either front. When this action prompted renewed
15 coordination in mid-October, CCDC Records notified ICE during release processing on October
16 16. ICE confirmed morning pickup, and Mr. Morais-Hechavarria was transferred to ICE that
17 morning. Ex. S. The transfer occurred at the criminal-release boundary and complied with Policy
18 4.166’s no-delay rule. It mirrored routine DSD practice, including annotations and the “Picked
19 Up” versus “Released W/O Pick-Up” outcomes reflected in the Weekly DSD Immigration Report.
20 See Ex. S; Ex. B; Ex. D at 94–96; Pet. Ex. 4.

21 The 287(g) Agreement was not operational and played no role. Although the Agreement
22 (WSO model) was executed June 16, 2025, LVMPD’s program status was not active during the
23 events at issue. ICE had not issued credentials to LVMPD personnel, and no LVMPD officer
24 served an ICE administrative warrant under the Agreement. All communications with ICE and any
25 pickup coordination proceeded under Policy 4.166 and DSD Release Procedures. Ex. A, Schmidt
26 Decl. ¶¶ 13–15, 21–22.

27 On this record, Petitioners’ claims mischaracterize both what occurred and the legal limits
28

of LVMPD’s role. The contemporaneous hearing record and policy framework show a standard administrative transition at the release boundary under federal authority, not a Nevada civil arrest, not an indefinite LVMPD detention, and not Agreement-based enforcement. Petitioners’ Opening Brief advances several arguments the record does not support: that LVMPD executed ICE administrative warrants (it did not); that LVMPD imposed blanket “48-hour holds” (Policy 4.166 forbids detainer-only holds and the release procedures require release if ICE is not present within a defined window); that LVMPD prevented inpatient transport solely because of immigration status (the sentencing court’s inpatient-transport order controlled custody until release). Ex. B; Ex. D, DSD Releasing Procedures at 91–96; Pet. Ex. 6. Petitioners’ Opening Brief also advances legal theories that the record does not support. It assumes LVMPD executed ICE administrative warrants, demanded blanket 48-hour holds, and prevented inpatient transport solely because of immigration status. The documents show the opposite. Ex. B; Ex. D at 91–96; Pet. Ex. 6; Ex. L; Ex. M.

II. The Petition Fails on Threshold Jurisdictional and Procedural Grounds.

Each threshold defect independently warrants denial. Taken together, they confirm that no merits determination is necessary or appropriate.

A. Relief is Unavailable Because the Challenged Restraint is Federal and DHS/ICE—the Custodians—Are Not Parties.

To begin, Petitioners are not entitled to their requested relief because the challenged restraint is federal and DHS/ICE—the only custodians with control over an I-205—are not parties. Habeas must be directed to the custodian, and any effective remedy must run against the official “who has the petitioner in custody or under restraint.” NRS 34.390(2); NRS 34.400. The restraint Petitioners target is an ICE administrative I-205 and detainer, both issued and executed by DHS officers under federal authority. *See, e.g.*, 8 C.F.R. § 241.2(a)(1) (I-205); *see also* 8 U.S.C. § 1357(g) (defining the framework by which DHS may delegate limited functions to trained, designated local officers). At the September 11 hearing, defense counsel asked the court to “lift that ICE hold,” and the court stated, “I don’t have the jurisdiction to do that. ... That is federal

1 government.” The minute entry order says the same. That record forecloses any theory that
2 LVMPD can be compelled by writ to negate a federal administrative warrant and confirms this
3 Court cannot issue effective relief against nonparty federal custodians.

4 At the September 11 hearing, defense counsel asked the court to lift the ICE hold. The court
5 stated on the record that it lacked jurisdiction to do so because the hold is federal. The minute entry
6 reflects the same point. That record forecloses any theory that LVMPD can be compelled by writ
7 to negate a federal administrative warrant and confirms this Court cannot issue effective relief
8 against nonparty federal custodians.

9 Petitioners’ claims are also defective because they failed to name DHS/ICE as a necessary
10 party to this action. Petitioners seek declarations and writ relief that would nullify LVMPD’s
11 cooperation with ICE and terminate the Agreement. They also specifically ask the Court to compel
12 LVMPD to disregard ICE detainers and a federal I-205.

13 Conspicuously absent from the Petition, however, is ICE—one of the key players in this
14 dispute. As a signatory to the Section 287(g) Agreement and the federal custodian whose
15 administrative processes control any transfer at the moment of criminal release, ICE undoubtedly
16 has an interest in its continued validity and would be directly and adversely impacted by Petitioners’
17 requested relief. *See Dawavendewa v. Salt River Project Agr. Imp. & Power Dist.*, 276 F.3d 1150,
18 1157 (9th Cir. 2002) (“a party to a contract is necessary, and if not susceptible to joinder,
19 indispensable to litigation seeking to decimate that contract.”); *see also Queen’s Med. Ctr. v. Kaiser*
20 *Found. Health Plan, Inc.*, 948 F. Supp. 2d 1131, 1165 (D. Haw. 2013) (party deemed necessary
21 where it “has an interest in at least one of the contracts at issue in this litigation”). Thus, disposing
22 of the action without ICE would impair federal interests and prevent complete relief. NRC
23 19(a)(1)(B) (“[a] person who is subject to service of process and whose joinder will not deprive the
24 court of subject-matter jurisdiction must be joined as a party if ... that person claims an interest
25 relating to the subject of the action and is so situated that disposing of the action in the person’s
26 absence may ... as a practical matter impair or impede the person’s ability to protect the
27 interest...”). And the importance of ICE’s participation cannot be overstated—as noted above,
28

1 when Mr. Morais-Hechavarria’s counsel in his criminal case attempted to invalidate the ICE hold,
2 the Court indicated that it did not even have jurisdiction to grant the request—underscoring that
3 Petitioners’ remedy, if any, runs against the federal custodian, not LVMPD. *See* NRS 34.390(2);
4 NRS 34.400. As such, Petitioners’ failure to join DHS/ICE is independently dispositive.

5 B. Petitioners’ Detention Claims Are Moot Because Mr. Morais-Hechavarria Was
6 Transferred to ICE on October 16.

7 Petitioners are also not entitled to relief because their claims against LVMPD are mooted
8 by Mr. Morais-Hechavarria’s release into ICE custody. Mootness is a question of justiciability.
9 *Personhood Nevada v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010). Nevada courts do
10 not issue advisory opinions and require a live controversy throughout the proceeding. *Id.*
11 (concluding that “a controversy must be present through all stages of the proceeding, and even
12 though a case may present a live controversy at its beginning, subsequent events may render the
13 case moot.”).

14 These principles apply to writ matters, including challenges to custody status: once the
15 restraint ends, the challenge to that restraint is moot. *See Johnston v. Eighth Jud. Dist. Ct.*, 138
16 Nev. 700, 703, 518 P.3d 94, 97 (2022) (petitioner’s challenge to procedures for addressing alleged
17 violations of the terms of his pretrial release became moot because he was no longer in CCDC
18 custody); *Sheriff, Washoe Cnty. v. Myles*, 99 Nev. 817, 819, 672 P.2d 639, 639 (1983) (same for
19 habeas petitions once the alleged illegality of a detention ceases); *cf. Hakimi v. Bank of New York*
20 *Mellon*, No. 2:14-CV-2215 JCM (CWH), 2015 WL 374465, *2 (D. Nev. May 5, 2015) (denying
21 motion for temporary restraining order as moot because the activity sought to be enjoined had
22 already occurred).

23 The linchpin of Petitioners’ claims—including their challenge to the 287(g) Agreement—
24 arises out of the detention of Mr. Morais-Hechavarria. *See* Pet. ¶¶ 83, 85, 87, 89-90. Specifically,
25 Petitioners seek mandamus relief to lift an “indefinite” CCDC detention hold against Mr. Morais-
26 Hechavarria that they allege prevented his release into inpatient treatment. Pet. ¶ 90; Request for
27
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1 Relief ¶ (h)-(i). That claim, however, is no longer live because Mr. Morais-Hechavarria was
2 released from CCDC to ICE on October 16, 2025. *See* Notice of Change (Oct. 23, 2025) ¶¶ 4–11.

3 Although courts “may” consider certain cases in extraordinary circumstances “if it involves
4 a matter of widespread importance that is capable of repetition, yet evading review,” *Johnston*, 138
5 Nev. at 704, this type of extraordinary relief is not warranted in this case. To invoke this exception,
6 in addition to the duration of the challenged action, the party seeking to overcome mootness must
7 show that “there is a likelihood that a similar issue will arise in the future” and “the matter is
8 important.” *Id.* Petitioners identify no concrete likelihood that the same unique confluence—an
9 inpatient-transport order plus an active I-205 at the release boundary—will recur, and they offer no
10 record support tying those circumstances to the non-operational § 287(g) MOA. Ex. A, Schmidt
11 Decl. ¶¶ 13–15, 21–22. Nor does Mr. Morais-Hechavarria’s unusual situation justify a wholesale
12 review of LVMPD’s run-of-the-mill federal partnership. In fact, it was Policy 4.166, not the MOA,
13 that governed notifications and release coordination. Ex. A, Schmidt Decl.; *see* Pet. Ex. 4. With
14 the restraint terminated and no applicable exception, the detention claim must be dismissed as moot.

15 C. Petitioners Lack a Concrete Injury, and Their Programmatic Challenge to the 287(g)
16 Agreement Is Unripe Because the Agreement Was Not Operational.

17 Petitioners’ remaining claims regarding the validity of the Section 287(g) Agreement are
18 also not fairly traceable to any current activity by LVMPD, nor are they ripe for this Court’s review.
19 “The question of standing concerns whether the party seeking relief has a sufficient interest in the
20 litigation ... [t]hus, a requirement of standing is that the litigant personally suffer injury that can be
21 fairly traced to the [alleged harm] and which would be redressed by invalidating the [unlawful act].”
22 *See Morency v. Dep’t of Educ.*, 137 Nev. 622, 625, 496 P.3d 584, 588 (2021). Similarly, ripeness
23 requires a sufficiently concrete harm, “rather than remote or hypothetical,” and yields a justiciable
24 controversy. *Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 38, 175 P.3d 906, 907, n.1 (2008)
25 (citation modified); *Cnty. of Clark ex rel. Univ. Med. Ctr. v. Upchurch*, 114 Nev. 749, 752, 961
26 P.2d 754, 756 (1998) (noting that ripeness is an essential requirement for declaratory relief).

Petitioners speculate that the Agreement lengthened Mr. Morais-Hechavarria's CCDC custody and that unnamed detainees might be harmed in the future. *See* Opening Br. at 9, 13–14. The record refutes both. The Agreement was signed but not operational. Ex. A, Schmidt Decl. ¶¶ 13–15, 21–22. No LVMPD personnel were trained or designated, no delegated authority was exercised, no state funds have yet been expended on implementing the Program, and no administrative warrant was served by LVMPD under the Agreement. Ex. A, Schmidt Decl. All steps in this case occurred under Policy 4.166 and DSD Release Procedures. In other words, Petitioners identify no present, concrete injury traceable to Agreement operation. Any future dispute, if the Program becomes operational and facts ripen, can be litigated on a developed record. As of now, there is no present justiciable controversy about the Agreement, and without a concrete application or injury, the programmatic claims are premature.

D. The ACLU Lacks a Beneficial Interest and Does Not Meet Associational Standing Requirements.

Notwithstanding the above, the Court should independently dismiss the ACLU as a petitioner for lack of standing. “Standing is the legal right to set judicial machinery in motion.” *Heller v. Legislature*, 120 Nev. 456, 460, 93 P.3d 746, 749 (2004) (internal quotation marks omitted). Nevada requires a mandamus petitioner to show a direct, substantial interest within the zone of interests protected by the duty asserted. *Id.* at 460–61; *State v. Gracey*, 11 Nev. 223, 225 (1876). The writ must be denied if the petitioner would gain no direct benefit from its issuance and suffer no direct detriment from its denial. *Id.*

Applied here, the ACLU identifies no concrete benefit it would obtain from issuance of the writ and no detriment from denial. Its allegations describe a generalized, programmatic interest in LVMPD's immigration-related practices and cite aggregate detainer activity, not a clear legal duty owed to the ACLU itself. *See* Opening Br. at 5, 13; Pet. ¶¶ 91–94; Pet. Ex. 7 (Haseebullah Decl.); Pet. Ex. 4 (DSD Immigration Report) at 1 (reporting “957” ICE requests). By contrast, any live liberty injury asserted by Mr. Morais-Hechavarria would be remediable through habeas. *See* NRS 34.360; NRS 34.390(1)–(2); Pet. ¶¶ 85–90; Pet. Exs. 5–6; Opening Br. at 8–9, 23–24. Where a

1 directly affected individual is before the Court and habeas relief is available to address any unlawful
2 restraint, Nevada law provides no basis to relax standing for a non-injured organization. *See*
3 *Schwartz v. Lopez*, 132 Nev. 732, 743, 382 P.3d 886, 894–95 (2016).

4 The narrow public-importance doctrine does not change the result. It applies only in limited
5 circumstances and requires, among other things, that the plaintiff be an appropriate party—meaning
6 a public actor with institutional responsibility when the dispute concerns the scope of local
7 law-enforcement authority. *See Nev. Pol’y Rsch. Inst., Inc. v. Cannizzaro*, 138 Nev. 259, 262, 507
8 P.3d 1203, 1207–08 (2022). Petitioners themselves contend that LVMPD’s authority “derives
9 from, and is constrained by,” the Legislature and county commission, underscoring that these are
10 policy questions for public oversight, not organizational mandamus. *See* Opening Br. at 2–3, 11–
11 12; Pet. ¶¶ 5–8, 95–98.

12 Associational standing also fails. Nevada follows the familiar three-part test requiring
13 member standing, germaneness, and that neither the claim nor relief requires individualized
14 participation. *See Nat’l Ass’n of Mut. Ins. Cos. v. State, Dep’t of Bus. & Indus.*, 139 Nev. Adv. Op.
15 3, 524 P.3d 470, 478 (2023). The ACLU identifies no member with individual standing tied to the
16 challenged actions, and the broad declarations and injunctions sought would require fact-specific
17 inquiries into each person’s custody status, the basis and timing of any detainer or administrative
18 warrant, and the interaction with case-specific criminal orders. *See id.*; Opening Br. at 23–24; Pet.
19 Prayer at 27–28. Unlike the homeowners’ association in *D.R. Horton, Inc. v. Eighth Judicial Dist.*
20 *Court*, 125 Nev. 449, 451–52, 215 P.3d 697, 699–700 (2009), no statute authorizes the ACLU to
21 sue in a representative capacity here, and Petitioners have not invoked NRCP 23. The ACLU lacks
22 a beneficial interest, does not satisfy Nevada’s associational-standing test, and cannot invoke the
23 narrow public-importance doctrine where an individualized habeas remedy is available to the
24 directly affected person. The ACLU should be dismissed as a petitioner for lack of standing.

25 E. Extraordinary Mandamus Relief Is Unwarranted.

26 In light of the above, the Court should decline to accept mandamus jurisdiction over the
27 Petition for at least three reasons.
28

1 First, Petitioners’ detention claim is moot, eliminating any urgency. As already noted, the
2 circumstances of Mr. Morais-Hechavarrias’s detention were highly unusual, and not representative
3 of other foreign-born detainees. *See* Ex. A, Schmidt Decl. As to the remaining relief, the 287(g)
4 Agreement has not been implemented or enforced. Instead, all contacts with ICE are conducted
5 pursuant to Policy 4.166, which has been in place since at least January 2025 and has never been
6 subject to challenge by Petitioners. As such, there is no reason to exercise emergency mandamus
7 jurisdiction for what amounts to a purely advisory question about either the legality of Mr. Morais-
8 Hechavarrias’ detention or the scope of LVMPD’s authority to perform under an Agreement that
9 is not even in effect.

10 Second, to the extent any claim remains live, ordinary remedies exist for any future
11 programmatic dispute if and when the Agreement becomes operational. *R.J. Reynolds Tobacco Co.*
12 *v. Eighth Judicial Dist. Court*, 138 Nev. 585, 588, 514 P.3d 425, 428 (2022). And habeas remains
13 available to any detainee who believes a future restraint is unlawful.

14 And third, even if the *legal* questions presented were important, this case presents disputed
15 factual issues better addressed in ordinary litigation, including what policies controlled, whether
16 the Agreement was operational, and whether the pre-release interval reflected discretion or
17 constraints. *See* Ex. A, Schmidt Decl. ¶¶ 13–15, 21–22. Courts reserve writ review for legal issues,
18 not record disputes.

19 In sum, the Court should deny the Petition without reaching the merits because a necessary
20 federal custodian is absent, the detention claim is moot, the programmatic claim is unripe, both
21 Petitioners lack standing, and writ review is unwarranted.

22 **III. Petitioners’ Claims Also Fail on the Merits Because None of LVMPD’s Actions Were**
23 ***Ultra Vires*.**

24 Even if the Court were to reach the merits, Petitioners cannot establish that LVMPD acted
25 without authority. Their theory rests on a misreading of both federal and Nevada law. Petitioners
26 argue that LVMPD is acting without authority under Nevada law because, under their flawed
27 interpretation, the Program’s operation is inconsistent with Nevada law. LVMPD’s authority to
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1 enter into and implement the 287(g) Agreement, however, arises under federal law, with ICE
2 supervision, and the Agreement was not operational during the events at issue. *See* Ex. A, Schmidt
3 Decl. ¶¶ 13–15, 21–22. Additionally, Nevada law independently authorizes LVMPD’s jail-based
4 coordination and release-moment handoffs within the Sheriff’s express and implied powers. On
5 either ground, none of LVMPD’s activities were *ultra vires*.

6 A. Because the 287(g) Agreement is Authorized Under a Federal Program, the INA
7 Supplies LVMPD’s Authority with ICE Supervision.

8 From the outset, Petitioners proceed from a flawed premise that Nevada law alone governs
9 LVMPD’s activities under Section 287(g). That view, however, misses the forest for the trees. In
10 the absence of any prohibiting state law, it is *federal* law that authorizes local jurisdictions to
11 participate in the Program, which permits ICE to designate qualified officers to perform limited
12 immigration functions under federal supervision and at federal direction. And because certain
13 aspects of those activities are essential to the object of federal law, any conflicting state law (to the
14 extent it exists) must give way under the doctrine of preemption.

15 1. *The INA Authorizes LVMPD to Enter Into 287(g) Agreements and for*
16 *LVMPD Officers to Act as De Facto Immigration Officers.*

17 As a general matter, a political subdivision’s authority to enter into a 287(g) agreement
18 derives from the INA, which allows local jurisdictions to play a cooperative role with the federal
19 government in enforcing immigration law. Specifically, Section 287(g) of the INA provides that:

20 Notwithstanding section 1342 of Title 31, the Attorney General may
21 enter into a written agreement with a State, or any political
22 subdivision of a State, pursuant to which an officer or employee of
23 the State or subdivision, who is determined by the Attorney General
24 to be qualified to perform a function of an immigration officer in
25 relation to the investigation, apprehension, or detention of aliens in
26 the United States (including the transportation of such aliens across
27 State lines to detention centers), may carry out such function at the
28 expense of the State or political subdivision and to the extent
consistent with State and local law.

8 U.S.C. § 1357(g)(1). These agreements must “require that an officer or employee ... have
knowledge of, and adhere to, Federal law relating to the function, and shall contain a written
certification that the officers or employees ... have received adequate training regarding the

1 enforcement of relevant Federal immigration laws.” *Id.* at § 1357(g)(2). In other words, so long
2 as the Attorney General (or his designee) has decided that a given officer or political employee is
3 “qualified,” and no state law stands directly to the contrary, any political subdivision can participate
4 in the 287(g) Program. *Compare with Ocean Cnty. Bd. of Comms. v. Attorney General of the State*
5 *of New Jersey*, 8 F.4th 176 (3d Cir. 2021) (noting that New Jersey expressly prohibits 287(g)
6 agreements).

7 Once a political subdivision enters into a 287(g) agreement, the Program permits “ICE to
8 deputize local law enforcement officers to perform immigration enforcement activities.” *United*
9 *States v. Sosa-Carabantes*, 561 F.3d 256, 257 (4th Cir. 2009). In this capacity, these “state and
10 local officials become *de facto* immigration officers, competent to act on their own initiative.” *City*
11 *of El Cenizo, Texas v. Texas*, 890 F.3d 164, 180 (5th Cir. 2018); *Arizona v. U.S.*, 567 U.S. 387, 408
12 (2012) (noting that the INA “specifies limited circumstances in which state officers may perform
13 the functions of an immigration officer,” with a “principal example” including the authority to
14 specific officers in a formal [287(g)] agreement with a state or local government”). When acting
15 under a 287(g) agreement, local officers act under color of federal authority. 8 U.S.C. § 1357(g)(3),
16 (8); *Chavez v. McFadden*, 843 S.E.2d 139, 151 (N.C. 2020); Pet. Ex. 1 § H (“[T]he activities of
17 participating LEA personnel under this MOA are undertaken under Federal authority...”). Thus,
18 LVMPD must follow all DHS and ICE Policies and Procedures, Pet. Ex. 1 § F, are treated as federal
19 employees under the FTCA and for workers’ compensation claims when performing a function on
20 behalf of ICE, and can request representation from the Department of Justice if sued in their
21 individual capacity, *id.* § H.

22 Bolstering this point, both the INA and the Agreement are unambiguous that participating
23 LVMPD officials are not operating in their normal chain of command when performing under the
24 Agreement; rather, all immigration enforcement is “subject to the supervision of the U.S. Attorney
25 General.” *Sosa-Carabantes*, 561 F.3d at 257; 8 U.S.C.A. § 1357(g)(3) (“In performing a function
26 under this subsection, an officer or employee of a State or political subdivision of a State shall be
27 subject to the direction and supervision of the Attorney General”). To this end, the Agreement
28

specifies that ICE will “supervise and direct all immigration enforcement activities conducted by participating LEA personnel” (capitalization normalized) and will oversee those activities ~~directly~~Pet~~directly. Pet.~~ Ex. 1 § F. This supervision extends to several oversight functions, including:

- Providing participating LVMPD personnel a signed authorization letter, along with ICE Form 70-006, authorizing them “to perform specified functions of an immigration officer.” *Id.* § IV(D).
- Issue “official immigration officer credentials.” *Id.*; Ex. A, Schmidt Decl. ¶¶ 13–15, 21–22 (explaining that the LVMPD officers anticipated to participate in the Program had not yet received official immigration officer credentials).
- Evaluate candidates’ suitability to participate in the enforcement of immigration authorities. Pet. Ex. 1 § VI(B).
- Require initial training for participating LVMPD personnel and direct all training requirements. *Id.* § IV(C); Ex. A, Schmidt Decl. ¶¶ 13–15, 21–22.
- Withdraw credentials at any time and for any reason. Pet. Ex. 1 § IV(D).

Thus, at least for 287(g) activities, the Program contemplates that all eventual participating LVMPD personnel are operating within the contours of federal, rather than purely state, authority.

2. As De Facto Immigration Officers, the INA Authorizes 287(g) Participants to Carry Out a Limited Set of Immigration Enforcement Functions.

Even without a 287(g) agreement, political subdivisions may “cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.” 8 U.S.C. § 1357 (g)(10)(B); *City of El Cenizo, Texas v. Texas*, 890 F.3d 164, 180 (5th Cir. 2018) (“The savings clause in 8 U.S.C. § 1357(g)(10)(B) “indicates that Congress intended local cooperation [even] without a formal agreement in a range of key enforcement functions”). Detainer regulations contemplate coordination so DHS can assume custody “not to exceed 48 hours” after release when immediate physical custody is impracticable. 8 C.F.R. §§ 287.7(a) (“The detainer is a request that such agency advise the Department, prior to release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible.”); 287.7(d).

As *de facto* immigration officers, LVMPD personnel may eventually be deputized to carry out certain aspects of federal law under the supervision of ICE—i.e., “investigat[ing], apprehend[ing], or det[aining]” certain aliens—as if they themselves were ICE officials. 8 U.S.C. § 1357(g)(1), (5). This means that, for all practical purposes, the provisions of the INA that enable ICE agents to enforce immigration law apply with equal force to LVMPD—including the power to detain individuals, *see* 8 U.S.C. § 1226(a), (c), and to issue and serve immigration arrest warrants, 8 U.S.C. § 1357(a); 8 C.F.R. § 236.1; 8 U.S.C. § 1226(a) (Attorney General may issue administrative arrest warrants and may arrest and detain aliens pending a decision on removal); *Abel v. United States*, 362 U.S. 217, 233 (1960); *Lopez v. INS*, 758 F.2d 1390, 1393 (10th Cir. 1985) (aliens “may be arrested [by] administrative warrant issued without an order of a magistrate”); *see also Taylor v. Fine*, 115 F. Supp. 68, 70 (S.D. Cal. 1953) (citing 8 U.S.C. §§ 1357(a)(2)) (“An immigration officer of the United States has the right to arrest a person [even] without a warrant if he has reasonable grounds to believe that a felony has been committed[.]”).

In accordance with these provisions, under the Warrant Service Officer model, ICE delegates to nominated, trained, and authorized personnel the limited authority to serve and execute immigration arrest warrants and to serve warrants of removal, “in accordance with applicable law,” at the time of criminal release. *See* Pet. ¶¶ 69–70; Pet. Ex. 1 § I & App’x A. These are federal functions performed under ICE’s supervision. Petitioners’ contrary assertion that LVMPD conducted state-law civil arrests or imposed blanket “48-hour holds” misreads both the Agreement and LVMPD policy. The MOA contemplates, if and when the Warrant Service Officer Program becomes operational, that credentialed officers may serve ICE administrative warrants at the time of a detainee’s release and may maintain temporary custody for up to 48 hours solely to affect a custodial transfer to ICE, and only in accordance with applicable state and local law. It does not mandate blanket holds. And LVMPD’s operative policy provides that LVMPD will not delay release for ICE absent a judicial warrant and will release if ICE is not present at the time of release. Moreover, during the period Petitioners cite, the Program was not active because the anticipated participants had not yet been credentialed. These activities fall directly within the scope of the

1 federal program and are conducted pursuant to the credentialed officers' limited authority, acting
2 as de facto federal immigration officers under ICE's supervision. Thus, none of LVMPD's
3 activities—whether in entering into or implementing the 287(g) Agreement—are *ultra vires*.

4 B. Nevada Law Authorizes LVMPD's Jail-Based Coordination at the Release Boundary
5 Within the Sheriff's Express and Implied Powers.

6 Nevada's Constitution requires creation of the sheriff's office and allows the Legislature to
7 fix its duties. Nev. Const. art. IV, § 32. By statute, the Sheriff must "keep and preserve the peace
8 in their respective counties, and quiet and suppress all affrays, riots and insurrections." The Sheriff
9 is also responsible for "the service of process in civil or criminal cases, and in apprehending or
10 securing any person for felony, or breach of the peace." NRS 248.090; *see also* NRS 248.130
11 (sheriff liability for failure to execute process). In Clark County, a metropolitan police department
12 "has every power and shall perform every duty conferred or imposed by law upon a county sheriff
13 which relates to law enforcement," and Chapter 280 is "to be construed liberally" to effect
14 consolidation without administrative difficulty. NRS 280.280(1). Nevada's Interlocal Cooperation
15 Act authorizes Nevada public agencies to enter into joint or cooperative undertakings with other
16 public agencies, including federal agencies, to carry out each agency's functions. NRS 277.110.
17 These provisions, combined with Nevada's Dillon's Rule jurisprudence (*Ronnow*; *List*; *Las Vegas*
18 *Taxpayers Ass'n*), recognize operational discretion to manage jail releases and to coordinate
19 orderly, on-release custodial transfers to other agencies to preserve the peace. Standing alone, these
20 provisions are more than sufficient to confer the authority necessary to enter into and implement
21 federally supervised release-boundary coordination.

22 Petitioners' premise that Nevada must enact a statute naming "§ 287(g)" misstates Nevada
23 law. Instead, Nevada's Dillon's Rule jurisprudence confirms that local governments possess not
24 only powers "granted in express terms," but also those "necessarily or fairly implied in, or incident
25 to," the express powers and those "essential to the declared objects and purposes" of the entity.
26 *Ronnow v. City of Las Vegas*, 57 Nev. 332, 341–43, 65 P.2d 133, 136 (1937); *State ex rel. List v.*
27 *Cnty. of Douglas*, 90 Nev. 272, 281, 524 P.2d 1271, 1276 (1974); *Las Vegas Taxpayers Ass'n v.*
28 *City Council*, 125 Nev. 165, 168, 208 P.3d 429, 431 (2009); *see also Flores v. Las Vegas-Clark*

1 *Cnty. Library Dist.*, 134 Nev. 827, 833 n.7, 432 P.3d 173, 178 n.7 (2018); NRS 244.137(2). Where
2 express authority, implied operational powers, and interlocal tools exist, the absence of a
3 287(g)-specific statute does not imply prohibition. *See Ronnow*, 57 Nev. at 341–43, 65 P.2d at 136;
4 *List*, 90 Nev. at 281, 524 P.2d at 1276; *Las Vegas Taxpayers Ass’n*, 125 Nev. at 168, 208 P.3d at
5 431; NRS 277.110; NRS 289.100(1). Coordinating a custodial handoff at the moment state
6 criminal custody ends—particularly under a written, federally supervised 287(g) warrant-service
7 arrangement—is an indispensable operational function within those implied powers.

8 Statewide governance guidance reflects this policy/operations divide. Commissions set
9 policy, and staff implement day-to-day operations, including jail release coordination. *See Nevada*
10 *Ass’n of Counties*, Nevada County Commissioner Handbook 5–6, 8–9 (Nov. 16, 2020). That
11 distinction supports LVMPD’s operational judgment to coordinate moment-of-release handoffs
12 consistent with Policy 4.166.

13 The Interlocal Cooperation Act is consistent with, but does not expand, this authority. It
14 permits Nevada public agencies to formalize “joint or cooperative” undertakings with other public
15 agencies, including federal agencies, to carry out each agency’s preexisting functions. NRS
16 277.110(1). It is not a new font of police power, but instead memorializes cooperation state law
17 already allows.

18 LVMPD’s Agreement fits within these bounds. It authorizes trained, supervised DSD
19 personnel to serve ICE administrative paperwork (Forms I-200 and I-205) in the jail and to facilitate
20 immediate, federally supervised transfers at the time of criminal release. It does not authorize
21 LVMPD to initiate immigration arrests, extend custody for investigation, or house ICE detainees.
22 *See* Policy 4.166 § III(A)(1) (no stop, question, detain, arrest, or immigration hold “solely” on
23 immigration grounds); Policy 4.166 § IV(B)(2) states that LVMPD will not delay release for ICE,
24 will honor federal judicial warrants, and will release if ICE is not present and there is no judicial
25 warrant. Ex. B. Petitioners identify no Nevada statute that expressly prohibits jail-only,
26 release-moment transfers. Nevada sheriff and metropolitan powers statutes confirm operational
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1 authority for such coordination. *See* NRS 248.090(3); NRS 248.130; NRS 280.280(1); NRS
2 277.110.

3 C. Nevada’s Targeted Statutes Do Not Prohibit Federally Supervised Transfers at Release.

4 Petitioners’ reliance on NRS 211.060 for the proposition that the Agreement is unlawful
5 absent a contract requiring the United States to pay “all actual and reasonably necessary costs” is
6 misplaced. The provision is a fiscal cost-recovery statute for “prisoners” committed to county jails
7 under federal authority; by text, title placement, and history, it addresses contracts to house federal
8 criminal prisoners.³ NRS 211.060(1)(a)–(b); 1977 Nev. Stat. ch. 578 § 1.⁴ It does not regulate
9 split-second, federally supervised pickups at the moment criminal custody ends or the service of
10 federal administrative paperwork in a jail. *See State v. Lucero*, 127 Nev. 92, 96, 249 P.3d 1226,
11 1228 (2011) (*expressio unius*). Policy 4.166 § IV(B)(2) requires no delay and release if ICE is not
12 present and there is no judicial warrant. Reading NRS 211.060 to bar release-moment transfers
13 would improperly expand a cost-allocation statute into a prohibition on cooperative actions
14 unrelated to contracted “housing.” *See Lucero*, 127 Nev. at 96; *see also* 8 U.S.C. § 1365(a) (distinct
15 federal reimbursement for imprisonment of certain criminal aliens).

16 NRS 31.470 fares no better. It concerns arrests “in a civil action” ordered by “the court in
17 which the action is brought.” NRS 31.490. An ICE administrative pickup at the criminal-release
18 boundary arises from a distinct federal civil framework and is not a Nevada civil arrest. *See City of*
19 *El Cenizo v. Texas*, 890 F.3d 164, 176–78 (5th Cir. 2018); *Galarza v. Szalczyk*, 745 F.3d 634, 645

20 _____
21 ³ The plain language is narrowly focused on reimbursement when “a person [is] committed under
22 the authority of the United States to any county jail” pursuant to a contract with the sheriff, and
23 then requires payment of “all actual and reasonably necessary costs” of that confinement, including
24 the direct costs of support and an allocated share of maintaining the jail and guarding prisoners.
25 Read in context, “committed” and “confinement” refer to sustained custody in the county jail for
26 federal purposes, not the brief custodial handoff at release contemplated by the federal warrant
27 service program. Its placement within Title 16’s administrative provisions governing jails and
28 prisoners further confirms a budgetary purpose – allocating costs when the jail functions as a long-
term custodial facility for federal inmates – rather than defining or limiting the scope of lawful
cooperation with federal officers.

⁴ Enacted long before modern immigration cooperation agreements and amended in the 1970s to
add the “all actual and reasonably necessary costs” language, the provision codifies a county-
protection rule ensuring full reimbursement when county resources are used to house federal
prisoners. Nothing in that history transforms NRS 211.060 into an authorization or a prohibition
on other forms of coordination with federal authorities that do not involve housing federal prisoners
in county facilities.

(3d Cir. 2014). Petitioners’ reliance on NRS 171.104 and *United States v. Place* presupposes state criminal process. A release-moment handoff to ICE under the Agreement/Policy 4.166 is federal civil custody at the moment criminal custody ends, not a new Nevada arrest. Policy 4.166 § IV(B)(2). The Colorado trial-court decision in *Cisneros v. Elder* does not change that analysis. *Cisneros* condemned detainer-only over-detention after state bases for custody were extinguished and in the absence of contemporaneous federal assumption of custody or state-law process authorizing a new hold, but Nevada’s framework and the facts here are the opposite. Policy 4.166 forbids any delay, prohibits detainer-only holds, and requires release unless ICE is present at the threshold of release or there is a federal judicial warrant. That immediate, federally supervised transfer is not an arrest “in a civil action” under Chapter 31, and it is not a state criminal arrest under Chapter 171.⁵

Nor do Nevada’s criminal-arrest statutes prohibit the conduct. Chapter 171 defines a Nevada criminal arrest warrant as an order “in the name of the State of Nevada, signed by a magistrate.” NRS 171.108; *see* NRS 171.124(1). In contrast, ICE Forms I-200 and I-205 are federal administrative instruments under 8 C.F.R. § 287.5(e), and “as a general rule, it is not a crime for a removable alien to remain present in the United States.” *Arizona v. United States*, 567 U.S. 387, 407 (2012). Petitioners cite no authority converting a federally supervised administrative transfer at release into a Nevada criminal arrest governed by Chapter 171.

Petitioners’ additional arguments likewise fail. The Agreement authorizes transfers “in accordance with applicable law,” and Policy 4.166 bars delay and requires release if ICE is not present. There is no Nevada statute expressly prohibiting moment-of-release transfers. The absence of a Nevada-specific 287(g) authorizing statute is immaterial in light of Nevada’s express and implied operational powers and interlocal-cooperation authority. Model-policy provisions like

⁵ *Cisneros* addressed Colorado law and local practices; it did not interpret Nevada’s Chapter 31 (civil arrests “in a civil action”) or Chapter 171 (state criminal process), and it turned on a jail’s continued confinement based solely on a civil detainer after state authority to hold the person had ended. However, Nevada’s Policy 4.166 implements the opposite rule: no detainer-only holds, no delay at release, and release absent ICE’s contemporaneous presence or a federal judicial warrant. Accordingly, *Cisneros* is neither binding nor persuasive in construing Nevada statutes or in assessing a brief, at-release, federally supervised transfer of custody.

1 NRS 228.206(1)(b) are limited by applicable law and do not bar release-moment coordination.
2 DMV confidentiality constraints in NRS 481.063 are unrelated to jail release processing.⁶ And
3 where Policy 4.166 requires release absent ICE presence and a judicial warrant, the transfer that
4 occurs when ICE is present and acting under federal authority is federal custody at release, not a
5 local hold.⁷

6 D. Even if Petitioners' Reading Created a Conflict, Federal Law Would Preempt Contrary
7 State-Law Constraints that Obstruct Congress's Objectives.

8 If, contrary to the foregoing, Petitioners' state-law readings created a conflict with the
9 Agreement's federally supervised functions, federal law would control. Preemption arises from
10 the Supremacy Clause and turns on congressional intent, including whether state law stands as an
11 obstacle to Congress's objectives. *See Nanopierce Techs., Inc. v. Depository Tr. & Clearing Corp.*,
12 123 Nev. 362, 370–72, 168 P.3d 73 (2007) ("The preemption doctrine, which provides that federal
13 law supersedes conflicting state law, arises from the Supremacy Clause of the United States
14
15

16 ⁶ As the Nevada Supreme Court recently noted, NRS Chapter 280 distinguishes a metropolitan
17 police "department" from a "political subdivision." *In re Public Records Requests to Las Vegas*
18 *Metro. Police Dep't*, 141 Nev., Adv. Op. 26 (May 29, 2025) (citing NRS 280.050; NRS 280.080).
19 That definitional point is immaterial here. Sheriff McMahon (official capacity) and LVMPD's
20 DSD control the custody and release at issue. The Court can resolve the Petition based on Policy
21 4.166's non-delay rule and the undisputed October 16 release-window handoff. And, to the extent
22 Petitioners invoke materials directed to 'political subdivisions,' LVMPD has not adopted the
23 Attorney General's Model Immigration Policies.

24 ⁷LVMPD has not adopted the Attorney General's non-binding Model Immigration Policies and,
25 consistent with statewide law-enforcement stakeholders, continues to follow LVMPD Policy
26 4.166 and practices informed by the Nevada Sheriffs' & Chiefs' Association model policy. *See*
27 Ex. A, Schmidt Decl. ¶¶ 35, 37. In any event, NRS 228.206(1)(b) is expressly limited by
28 "applicable law" and cannot override duly enacted statutes, LVMPD's lawful operational
discretion, or federally authorized release-moment coordination under Policy 4.166. *See* NRS
228.206(1)(b). The Governor likewise clarified the status of the AG's model policies. Governor
Lombardo stated on February 26, 2025:

The Model Immigration Policies released by the Office of the Attorney General
are currently under review by the Executive Branch. All affected state agencies
will continue to comply with – and enforce – all applicable law. As the Attorney
General has conceded, and as the governing statutes make clear, the Model
Immigration Policies are non-binding and non-mandatory guidelines. Let me be
clear: The Attorney General does not have the authority to make Nevada a
sanctuary state or jurisdiction. As long as I am Governor, Nevada will continue to
follow federal law.

Governor's Statement on Model Immigration Policies (Feb. 26, 2025), attached as **Exhibit T**.

1 Constitution.”). This question “is fundamentally a question of congressional intent—did Congress
2 expressly or impliedly intend to preempt state law?” *Id.*

3 Relevant here, conflict preemption “examines the federal statute as a whole to determine ...
4 whether, in light of the federal statute’s purpose and intended effects, state law poses an obstacle
5 to the accomplishment of Congress’s objectives.” *Id.* at 371–72; *see also City of El Cenizo, Texas*
6 *v. Texas*, 890 F.3d 164, 178 (5th Cir. 2018) (“Conflict preemption occurs when ... a state law
7 “stands as an obstacle to the accomplishment and execution of the full purposes and objectives of
8 Congress.”). These principles are particularly salient in the immigration context, where “[t]he
9 Government of the United States has broad, undoubted power over the subject of immigration and
10 the status of aliens.” *Arizona v. United States*, 567 U.S. 387, 395 (2012) (citing *Toll v. Moreno*,
11 458 U.S. 1, 10 (1982)).

12 Throughout their briefing, Petitioners make several arguments regarding the 287(g)
13 Program that, if true, would run directly against powers and duties that uniquely belong to the
14 federal government. These arguments include dubious assertions that the state has the right to (1)
15 effectively invalidate valid federal immigration warrants—simply because they are not signed by a
16 magistrate—or (2) prohibit the temporary detention of individuals over whom the federal
17 government has already assumed custody by virtue of its agents under the 287(g) Program. *See*
18 O.B. at 18–23. But even if that was exactly what Nevada law required (it is not), Nevada has no
19 authority to invalidate, obstruct, or impose additional state requirements on the execution of federal
20 enforcement activities that are essential to the objectives of Congress—which, in this context,
21 include **enhancing** cooperation between federal and local law enforcement in enforcing
22 immigration law. *See Oregon Prescription Drug Monitoring Program v. U.S. Drug Enforcement*
23 *Administration*, 860 F.3d 1228 (9th Cir. 2017); *Chavez v. McFadden*, 843 S.E.2d. 139, 149 (N.C.
24 2020) (“...state court judges cannot interfere with the custody and detention of individuals held
25 pursuant to federal authority.”). Indeed, state rules disabling federally supervised service of
26 immigration paperwork at release, or forbidding federal custody at the release boundary, would
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obstruct the INA’s cooperative scheme. Accordingly, Petitioners’ claims fail under the doctrine of federal obstacle preemption.

CONCLUSION

For these reasons, the Court should deny the Petition in its entirety—dismissing the detention claim as moot, rejecting the programmatic challenge as unripe, dismissing the ACLU for lack of standing, and declining extraordinary writ jurisdiction. On the merits, the undisputed record shows only a brief, federally supervised transfer at the release boundary consistent with Policy 4.166 and Nevada law, not a Nevada civil or criminal arrest and not 287(g) enforcement. Accordingly, the requested declarations and writs should be denied, and judgment entered for Respondents.

Dated: October 28, 2025.

SNELL & WILMER L.L.P.

By: /s/ Alex L. Fugazzi
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 Department and Sheriff Kevin McMahon*

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and not a party to, nor interested in, this action. On October 28, 2025, I caused to be served a true and correct copy of the foregoing **RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, VERIFIED PETITION FOR WRIT OF HABEAS CORPUS** by the method indicated:

- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☐ **BY EMAIL:** by emailing a PDF of the document(s) listed above to the email addresses of the individual(s) listed below.
- ☐ **BY ELECTRONIC SERVICE ONLY:** Pursuant to NRCP 5(b) and Administrative Order 14-2, by submitting to the above-entitled Court for electronic service upon the following Court's e-service list for the above-referenced case
- ☒ **BY ELECTRONIC FILING & ELECTRONIC SERVICE:** Pursuant to NRCP 5(b) and Administrative Order 14-2, by submitting to the above-entitled Court for electronic filing and service upon the Court's e-service list for the above-referenced case.

And addressed to:

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EXHIBIT A

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DISTRICT COURT
CLARK COUNTY, NEVADA

AMERICAN CIVIL LIBERTIES UNION OF
NEVADA, a domestic nonprofit organization;
SERGIO MORAIS-HECHAVARRIA, an
individual,

Petitioners,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a governmental entity;
KEVIN MCMAHILL, in his official capacity
as Las Vegas Metropolitan Police Department
Sheriff,

Respondents.

Case No. A-25-930343-W

Department: XXI

**DECLARATION OF DEPUTY CHIEF
NITA SCHMIDT IN SUPPORT OF
RESPONDENTS' RESPONSE TO
PETITION FOR WRIT OF
MANDAMUS OR, IN THE
ALTERNATIVE, VERIFIED PETITION
FOR WRIT OF HABEAS CORPUS**

**Hearing Date: October 30, 2025
Hearing Time: 10:00 A.M.**

I, Deputy Chief Nita Schmidt, hereby declare:

1. I am over the age of 18 and I have personal knowledge of all matters stated below and could competently testify to them if so required.

2. I am employed by Respondent Las Vegas Metropolitan Police Department ("LVMPD") as Deputy Chief with responsibility for the Detention Services Division ("DSD"), including the Clark County Detention Center ("CCDC"). I have held senior supervisory roles within LVMPD and DSD for multiple years and am familiar with LVMPD's custodial operations, release procedures, records systems, and interagency coordination practices.

1 3. I make this declaration in support of Respondents' Response to Petition for Writ of
2 Mandamus or, In the Alternative, Verified Petition for Writ of Habeas Corpus ("Petition") based
3 on my personal knowledge obtained through my official duties, my review of LVMPD and DSD
4 records maintained in the ordinary course of business, and my familiarity with LVMPD Policies
5 and DSD procedures.

6 4. LVMPD maintains records of arrests, bookings, court orders, detainee release
7 processing, notifications to other agencies, and related communications in the ordinary course of
8 business. Those records are created at or near the time of the events recorded by personnel with
9 knowledge, are kept in the course of regularly conducted activity, and it is the regular practice of
10 LVMPD and DSD to make and maintain such records. I am a qualified custodian of records for
11 these purposes.

12 5. I have personally reviewed each of the following exhibits attached to the Response,
13 and I authenticate, as true and correct copies of records maintained by LVMPD/DSD in the ordinary
14 course of business or of records that LVMPD maintains or relies upon in the regular course of its
15 operations, as indicated:

16 **Exhibit B:** LVMPD Policy 4.166, ICE Notifications (Jan./Feb. 2025) is an official
17 LVMPD policy record maintained by LVMPD and DSD.

18 **Exhibit C:** Nevada Sheriffs' & Chiefs' Association Immigration and Customs
19 Enforcement Law Enforcement Model Policy is a policy document maintained by
20 LVMPD.

21 **Exhibit D:** DSD Releasing Procedures regarding immigration notifications and
22 warrants contains the operational procedures maintained by DSD in the ordinary
23 course.

24 **Exhibits E–H:** LVMPD incident, officer, and declaration-of-arrest reports
25 associated with Mr. Morais-Hechavarria's arrests and related charges, which I
26 understand were created at or near the time by LVMPD personnel with knowledge
27 and maintained by LVMPD/DSD in the ordinary course.

28 **Exhibits I–J:** DHS Form I-247A Immigration Detainer (Notice of Action) and

1 DHS Form I-205 Warrant of Removal/Deportation are federal administrative
2 records received and maintained by DSD in the ordinary course for release-window
3 processing and interagency coordination.

4 **Exhibits K–L:** Email communications among LVMPD/DSD personnel, defense
5 counsel, court staff, and service providers regarding Mr. Morais-Hechavarria’s
6 custody status, inpatient transport, and release logistics, which were kept by DSD in
7 the ordinary course as part of inmate release processing.

8 **Exhibits P–R:** DSD transition, medication, and pending transport coordination
9 records reflecting the October 2025 inpatient transport list and logistics, which are
10 internal DSD records maintained in the ordinary course.

11 **Exhibit S:** October 16, 2025 release-window email exchange between DSD
12 Records and ICE confirming routine, same-morning pickup, which is an interagency
13 communication maintained in DSD’s records in the ordinary course.

14 6. Certain exhibits attached to the Response contain redactions to safeguard sensitive
15 information. Redactions were applied in accordance with LVMPD and DSD practices, court rules,
16 and privacy-protection requirements, and include, without limitation: personally identifiable
17 information (“PII”) such as full dates of birth, Social Security numbers, driver’s license numbers,
18 FBI/SID identifiers, inmate booking numbers where not necessary to the point at issue, full
19 residential addresses and telephone numbers of private individuals, victim names and contact
20 information, victim private health information, direct phone numbers for personnel, and any similar
21 sensitive personal or security-related information. Where possible, only the minimum necessary
22 portions were redacted to protect PII and sensitive details, and the substantive, non-PII content is
23 preserved. The redactions do not affect the accuracy of the records or the material facts relevant to
24 LVMPD’s release practices, ICE notification, or the timing and sequence of events in Mr. Morais-
25 Hechavarria’s case.

26 7. In addition, I understand that Exhibit L has been redacted to protect attorney–client
27 privileged communications and attorney work product.

28 ///

LVMPD Policy 4.166 and DSD Release Procedures

8. LVMPD Policy 4.166 has been in place since 2019 and was reaffirmed in 2023 and again in January and February 2025. Ex. B (Policy 4.166, Jan./Feb. 2025).

9. Since adoption, Policy 4.166 has provided that LVMPD officers will not stop, question, detain, arrest, or place an immigration hold on any individual solely on the grounds that the person is an undocumented immigrant, and that LVMPD will not delay the release of an inmate for U.S. Immigration and Customs Enforcement (“ICE”).

10. If ICE is not present at the time of an inmate’s release and there is no federal judicial warrant, DSD proceeds with release.

11. DSD’s Release Procedures operationalize Policy 4.166 for jail based intake and release.

12. For qualifying public safety offenses, DSD Records notifies ICE at booking and again at release.

13. Records staff annotate inmate files with entries such as “IMM notified @ [date/time]” and, when applicable, “IMM WARRANT @ [pickup date/time].” If ICE confirms it will assume custody at the release window, DSD coordinates a routine, same moment handoff at the time of criminal release.

14. If ICE is not present when the inmate is otherwise due for release and there is no federal judicial warrant, DSD proceeds with release under the non-delay rule.

15. DSD tracks immigration related notifications and outcomes through a Weekly Immigration Report that includes categories such as “Picked Up,” “Released W/O Pick Up,” and “Total Notices Sent.”

LVMPD’s 287(g) Warrant Service Officer Agreement

16. On June 16, 2025, LVMPD executed the Warrant Service Officer (“WSO”) Memorandum of Agreement with ICE pursuant to 8 U.S.C. § 1357(g). I am familiar with that agreement.

////

1 17. During the period relevant to Petitioner Sergio Morais-Hechavarria's ("Mr.
2 Morais-Hechavarria") CCDC custody and release (June through October 2025), LVMPD's 287(g)
3 WSO Program was not operational. Specifically:

- 4 a. LVMPD had not completed required ICE training and credentialing for participating
5 personnel under the WSO model;
- 6 b. ICE had not issued operational authorization letters and credentials to any LVMPD
7 officer for purposes of serving or executing immigration administrative warrants
8 under the WSO agreement at the jail; and
- 9 c. No LVMPD officer or employee served or executed an ICE administrative
10 immigration warrant (e.g., Forms I-200 or I-205) under the WSO agreement during
11 that period.

12 18. Because the WSO program was not operational, LVMPD's coordination with ICE
13 in mid-2025, including at the time of Mr. Morais-Hechavarria's release from criminal custody,
14 occurred solely under existing LVMPD Policy 4.166 and DSD Release Procedures. No expanded
15 or newly delegated federal authority under § 287(g) was exercised by LVMPD personnel in his
16 case.

17 **Notifications to ICE and Release-Window Coordination**

18 19. Consistent with Policy 4.166 and DSD Release Procedures, DSD Records notifies
19 ICE at booking and at release for qualifying cases, like Mr. Morais-Hechavarria.

20 20. In the ordinary course, when DHS has issued an immigration detainer (Form
21 I-247A) and/or administrative warrant (e.g., Form I-205 Warrant of Removal/Deportation), DSD's
22 practice is to coordinate a routine, time-of-release pickup with ICE. These documents are
23 administrative instruments issued by DHS that do not alter the terms of the inmate's criminal
24 custody and become operative only at criminal release, unless a federal judicial warrant is also
25 present.

26 21. On October 16, 2025, DSD Records sent an early-morning release-processing email
27 to ICE indicating that Mr. Morais-Hechavarria had an Immigration Warrant (I-205) and was being
28 processed for release. ICE responded within minutes confirming that it could pick up Mr.

1 Morais-Hechavarria as part of its routine morning pickup. In line with standard procedures under
2 Policy 4.166, the pickup occurred the same morning at the jail release window, without any delay
3 of release to accommodate ICE and without any LVMPD service or execution of an ICE
4 administrative warrant under § 287(g).

5 22. The October 16, 2025 release-window handoff described above followed DSD's
6 established practice and documentation protocols. The fact that ICE was present and assumed
7 custody at the precise moment of criminal release did not extend Mr. Morais-Hechavarria's
8 criminal custody and was not a discretionary delay by LVMPD or DSD.

9 23. Mr. Morais-Hechavarria was not transported to inpatient prior to October 16
10 because the court's 'remain in custody pending P&P transport' order remained in effect until a bed
11 was identified, and DSD coordinated release consistent with Policy 4.166 and the existence of an
12 ICE I-205.

13 **Program Non-Use & No LVMPD Service/Execution of ICE Administrative Warrants in.**

14 **Mr. Morais-Hechavarria's Case**

15 24. In connection with Mr. Morais-Hechavarria's custody and release, no LVMPD
16 employee or officer served or executed an ICE administrative immigration warrant under the 287(g)
17 WSO agreement. Any ICE administrative documents were issued by DHS and acted upon by DHS
18 at the time of his release from criminal custody. LVMPD's role was limited to notification and
19 release-moment coordination under Policy 4.166 and DSD procedures.

20 25. To my knowledge and based on my review of LVMPD/DSD records, there is no
21 record entry reflecting LVMPD's service or execution of an I-200 or I-205 in Mr.
22 Morais-Hechavarria's case under § 287(g). The contemporaneous release-processing email
23 exchange with ICE reflects a standard "ready for release" notice and ICE's confirmation of
24 same-morning pickup, consistent with the routine "Picked Up" outcome documented in DSD's
25 Weekly Immigration Report categories.

26 **Effect of the State Court's Sentencing Order and CCDC's Sequencing**

27 26. I have reviewed the Judgment of Conviction, which imposed a suspended 364-day
28 sentence with probation up to 12 months and ordered that Mr. Morais-Hechavarria remain in

1 custody pending Parole and Probation transport to an inpatient facility. In practice, that condition
2 creates a transitional custody phase in which the inmate remains in secure custody at CCDC until
3 a bed is identified and Parole and Probation (“P&P”) can perform transport.

4 27. After sentencing, DSD Records received communications from defense
5 representatives regarding bed availability and transport logistics. In the August 19, 2025 email
6 exchange, DSD advised that Mr. Morais-Hechavarria had an ICE warrant and explained DSD’s
7 understanding that, to release him to ICE rather than to P&P for inpatient, the inpatient-transport
8 order would need to be rescinded or clarified by the court.

9 28. Following the September 9, 2025 request for a status check and the September 11
10 hearing, DSD understood that the inpatient-transport condition remained in effect. During this
11 period and consistent with Policy 4.166 and DSD Release Procedures, DSD did not hold Mr.
12 Morais-Hechavarria for immigration purposes and did not delay his release for ICE. He remained
13 in CCDC criminal custody under the existing court order.

14 29. After the Petition in this civil action was filed on October 13, 2025, DSD resumed
15 release-window processing. On October 14, 2025, DSD added Mr. Morais-Hechavarria to the
16 October 16 inpatient list based on a confirmed bed and recorded medication-order notifications for
17 the anticipated October 16 transport slot. On October 16, DSD Records notified ICE that Mr.
18 Morais-Hechavarria was being processed for release and had an I-205, and ICE confirmed morning
19 pickup.

20 30. To the extent there is any ambiguity in the exhibit set regarding when a bed was
21 identified, whether P&P transport was scheduled before ICE pickup, or how DSD sequenced those
22 actions, I can attest based on DSD records and my supervision that: a. A bed was identified on
23 October 16, 2025, contemporaneous with DSD’s initiation of release processing; b. DSD and P&P
24 discussed feasible transport sequencing, but ICE’s same-morning presence at the release window,
25 together with Policy 4.166’s non-delay rule, resulted in ICE assuming custody at the release
26 boundary; and c. DSD did not delay Mr. Morais-Hechavarria’s release for ICE and did not exercise
27 any delegated authority under § 287(g) in his case.

28 ///

1 31. Throughout Mr. Morais-Hechavarria's custody and release, DSD complied with
2 Policy 4.166's non-delay rule. DSD did not hold Mr. Morais-Hechavarria for immigration
3 enforcement and did not delay his release for the purpose of allowing ICE to arrive. Instead, DSD
4 executed its standard release-processing steps and coordinated a routine, release-moment handoff
5 when ICE confirmed it would assume custody at the release window. If ICE had not been present
6 or had declined pickup, and if no federal judicial warrant existed, DSD would have proceeded with
7 release in accordance with Policy 4.166.

8 32. LVMPD did not initiate any new state-law arrest or hold on immigration grounds
9 for Mr. Morais-Hechavarria. Any transfer at the release boundary was federal custody initiated and
10 executed by ICE, consistent with the ordinary practice documented in DSD's Weekly Immigration
11 Reports.

12 **Mr. Morais-Hechavarria's Criminal History**

13 33. Various summaries in LVMPD reports reflect Mr. Morais-Hechavarria's underlying
14 charges, including prior events associated with a stolen vehicle, narcotics possession, a bench
15 warrant for failure to appear, domestic battery, obstruction by false identification, and an in-custody
16 fight. Those summaries are contained in LVMPD business records made in the ordinary course,
17 including incident reports and detention records.

18 34. To the extent any specific characterizations (for example, descriptors such as
19 "pregnant victim" or quotations about altercations) are not fully reflected in the exhibits attached
20 to the Petition, I can confirm that LVMPD's internal records reflect those descriptors. If the Court
21 requires, I can provide authenticated copies of the relevant pages to match precise phrasing and
22 page citations. Nothing in this declaration is intended to generalize beyond what LVMPD's records
23 show.

24 **Attorney General Model-Policy Consultation and Post-October Clarifications**

25 35. LVMPD has not adopted Office of the Attorney General's Model Immigration
26 Policies issued in February 2025. LVMPD continues to follow applicable law and LVMPD's own
27 policies, including Policy 4.166.

28 ///

1 36. During October 2025, DSD issued clarifying internal guidance and conducted
2 refresher training to address the precise sequencing scenario presented here — a concurrent
3 inpatient-transport order and DHS administrative paperwork at the release boundary — to ensure
4 that release-window processing occurs without delay consistent with Policy 4.166. These
5 clarifications are prospective and did not change what occurred on October 16, 2025.

6 37. With respect to the Nevada Sheriffs' & Chiefs' Association ("NV SCA")
7 Immigration and Customs Enforcement Law Enforcement Model Policy, it is my understanding in
8 my role as Deputy Chief that LVMPD is a stakeholder within the statewide law enforcement
9 community that participates in and is represented by the NV SCA, the organization that released
10 the model policy. My understanding is further that, following the Governor's statement objecting
11 to the Attorney General's non-binding model immigration policies, LVMPD has continued to
12 follow its own Policy 4.166 and operational practices that are consistent with, and informed by, the
13 NV SCA model policy. Nothing in LVMPD's custodial operations at issue here with respect to
14 Mr. Morais-Hechavarria involved adoption of the Attorney General's non-binding guidance.

15 I declare under penalty of perjury under the laws of the State of Nevada and the United
16 States of America that the foregoing is true and correct.

17
18 DATED this 27th day of October 2025.



19
20 _____
Deputy Chief Nita Schmidt

EXHIBIT B



LAS VEGAS METROPOLITAN POLICE DEPARTMENT
POLICY AND PROCEDURE

Policy: 4.166, *U.S. Immigration and Customs Enforcement (ICE) Notifications*
Volume: 4 - Field Operations
Chapter: 1 - Patrol
Revised: 1/2025, 2/2025

4.166 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) NOTIFICATIONS

It is the policy of this department to recognize the dignity of all persons, regardless of their national origin or immigration status. LVMPD strives to serve and protect the community with the highest regard for public safety and professionalism. LVMPD is committed to community-oriented policing as a strategy that focuses on developing relationships with community members regardless of the immigration status of a suspect or victim.

Although Nevada peace officers have the authority to assist in enforcing federal laws, LVMPD officers will not enforce immigration violations. Officers will not stop and question, detain, arrest, or place an immigration hold on any individuals on the grounds they are an undocumented immigrant. However, LVMPD will share criminal intelligence regarding transnational organized crime and international terrorism with any and all law enforcement agencies to include ICE. Citizens reporting suspected undocumented immigrants will be referred to the local ICE office.

When a foreign-born individual is arrested and charged with a felony, domestic violence, driving under the influence (DUI), burglary, theft, larceny, petit larceny, and/or assault of a law enforcement officer, the Detention Services Division (DSD) will notify ICE at the time of both booking and release. These charges have the highest impact on public safety. LVMPD will not delay the release of an inmate for ICE. However, LVMPD will honor federal judicial warrants for arrest from ICE. If ICE is not present at the time of the inmate's release, and there is no judicial warrant, DSD will release the inmate. (1/25, 2/25)■

EXHIBIT C



NEVADA SHERIFFS' & CHIEFS' ASSOCIATION

Immigration and Customs Enforcement (ICE) Law Enforcement Model Policy

Overview

The Nevada Sheriffs' and Chiefs' Association (NvSCA) has adopted a model U.S. Immigration and Customs Enforcement (ICE) policy for law enforcement agencies within the state. This policy serves as a framework for agencies to develop their own guidelines.

NvSCA recognizes that ICE has primary jurisdiction over the enforcement of federal immigration laws (Title 8, U.S. Code). Nevada peace officers may assist in the enforcement of federal immigration laws as deemed appropriate by the agency's executive authority, such as when ICE makes a specific request or when suspected criminal violations are discovered because of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, U.S.C. §§ 1304, 1324, 1325 and 1326. Criminal intelligence related to transnational organized crime and international terrorism will be shared with all law enforcement agencies including ICE. ***Officers will not obstruct federal law enforcement efforts, and officers will work with ICE upon request.***

Although officers have the authority to assist in enforcing federal laws, it is the role of ICE to actively enforce immigration violations. NvSCA officers will not stop, question, detain, arrest or place an immigration hold on any individual solely on the grounds that they are suspected of being an undocumented immigrant. Citizens who report suspected undocumented immigrants will be referred to the local ICE office.

NvSCA recognizes the dignity of all individuals, regardless of their national origin or immigration status. Our commitment is to serve and protect the communities of Nevada, prioritizing public safety and professionalism. We implement and prioritize community-oriented policing, which emphasizes building relationships with community members regardless of the immigration status of a suspect or victim. NvSCA shares federal law enforcement's zero tolerance policy for criminals endangering Nevada communities.

Procedure

When a foreign-born individual is arrested and charged with a crime:

1. The arrestee's details will be included in a daily report sent to the local ICE office.
2. If a criminal history check shows that the arrestee is a prior deportee, an agency representative will notify ICE per agency protocol.

Immigration and Customs Enforcement (ICE) Law Enforcement Model Policy

It is incumbent upon ICE to provide a detainer or make an arrest on federal statutes and to abide by all current federal mandates regarding arrest (i.e., ensuring they comply with the Laken Riley Act, which specifies arrests for burglary, theft, larceny, shoplifting, assault of a police officer, or any crime that results in death or serious bodily injury to another person).

Detention Centers/Jail Facilities will:

1. Honor federal judicial warrants for arrest issued by ICE.
2. Enforce detainer requests from ICE once local charges are resolved.
 - a. If an ICE detainer is in place (and local charges have been resolved), notify ICE that they may take custody of the inmate.
 - b. If ICE has not placed a detainer by the time of release and there are no outstanding arrest warrants, the inmate will be released.
3. Allow ICE complete access to detention centers and jail facilities.



**P.O. Box 17971 Reno, NV 89511
1-866-266-9870**



AA165

EXHIBIT D

Per District Court Administrative Order 18-11, dated October 8, 2018, District Court will accept the posting of bail bonds or cash bail without regard for a person's United States immigration status. This gives the Clark County Detention Center authority to accept bail on District Court cases for inmates with an active Immigration Detainer.

The Las Vegas Justice Court Order, dated February 2, 2001, has been rescinded by LVJC Administrative Order #18-03, dated October 19, 2018. Bail bond or cash bail WILL be accepted or posted on a Justice Court case for inmates that have a hold placed against him or her by Immigration.

IMMIGRATION (IMM) RELEASES

Effective 01/30/2025, Records will email IMM TCRs for any foreign-born inmate who is booked on any qualifying charges referenced in LVMPD Department Policy, 4.166.

TCR's will **NOT** be emailed for those inmates who do not meet **BOTH** requirements of foreign-born **and** qualifying charges. This also applies to Notices/Detainer/Warrants (I247 A/G, I200, and I205) transferred from other agencies (NLV, Hend, etc.) If the charges do not meet the requirements, annotate on the document "NO ACTION NECESSARY" and place in inmate file.

- Once Immigration receives the TCR, they may choose to send an Immigration Detainer/Warrant for Arrest of Alien, Form I-200, or an Immigration Detainer/Warrant of Removal Deportation, Form I-205, to the Supervisor's email. The Offender Alert will be entered to contact Immigration at time of release.
- Immigration Detainers/Warrants for Removal Deportation, Form I-205, are accepted for all qualifying charges and Immigration will be contacted at time of release for pickup arrangements.
- Immigration is aware that they will be receiving notifications 24/7. All initial release notifications will be sent via email to ICE-ERO-Vegas-CapUsers@ice.dhs.gov. If a response is not received within 15 minutes of the release notification email, use the following contact numbers for those inmates that have an active warrant or notification in Offender Alert:
 - 0600-1600 hours – CAP Supervisor – 702-388-6949
 - 1600-2200 hours- Supervisory Officer – 702-388-6630
 - 2200 – 0600 hours Duty-Line Officer – 702-591-5321
 - Weekends & Holidays will go to Duty-Line Officer

■ Immigration Notification – I247A (DHS Form) or I247G (Interim Form)

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: [REDACTED] 421
Event #: [REDACTED]
File No: [REDACTED]
Date: February 17, 2020

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)
CLARK COUNTY JAIL CENTER
330 S. GASTRO STREET
LAS VEGAS, NV 89101

FROM: (Department of Homeland Security Office Address)
LAS VEGAS, NV, SECRET CONTROL OFFICE
102500
901 S. LAS VEGAS BLVD.
LAS VEGAS, NV 89101

Name of Alien: [REDACTED]
Date of Birth: [REDACTED] Citizenship: [REDACTED] Sex: M

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2):

☐ A final order of removal against the alien;
☐ The pendency of ongoing removal proceedings against the alien;
☐ Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
☒ Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2):

☐ Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- Notify DHS as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling (800) 451-3227. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at (800) 451-3227.
- Maintain custody of the alien for a period NOT TO EXCEED 48 HOURS beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien must be served with a copy of this form for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.
- Refer this detainer to any other law enforcement agency to which you transfer custody of the alien.
- Notify this office in the event of the alien's death, hospitalization or transfer to another institution.

☐ If checked, please cancel the detainer related to this alien previously submitted to you on (Date) [REDACTED] (Signature of Immigration Officer) [REDACTED]

(Name and Title of Immigration Officer) [REDACTED] (Signature of Immigration Officer) [REDACTED]

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (800) 451-3227. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing, or faxing a copy to: [REDACTED]
Local Booking/Inmate #: [REDACTED] Estimated release date/time: [REDACTED]
Date of latest criminal charge/conviction: [REDACTED] Last offense charge/conviction: [REDACTED]
This form was served upon the alien on [REDACTED] in the following manner:
☐ In person ☐ by inmate mail delivery ☐ other (please specify): [REDACTED]
(Name and Title of Officer) [REDACTED] (Signature of Officer) [REDACTED]

DHS Form I-247A (1/17) Page 1 of 3

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
REQUEST FOR ADVANCE NOTIFICATION OF RELEASE

Subject ID: [REDACTED]
Event #: [REDACTED]
File No: [REDACTED]
Date: February 18, 2020

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)
CLARK COUNTY JAIL CENTER
330 S. GASTRO STREET
LAS VEGAS, NV 89101

FROM: (Department of Homeland Security Office Address)
BHS - Pacific Northwest Response Center
3 Justice Center Drive
3rd Floor
Seattle, WA 98101

Name of Subject: [REDACTED]
Date of Birth: [REDACTED] Suspected Citizenship: [REDACTED] Sex: [REDACTED]

DHS SUSPECTS THAT THE SUBJECT IS A REMOVABLE ALIEN AND SEEKS AN OPPORTUNITY TO DETERMINE WHETHER THERE IS PROBABLE CAUSE TO BELIEVE THAT THE SUBJECT IS A REMOVABLE ALIEN. (28 U.S.C. 892(a)(1)(B))

IT IS THEREFORE REQUESTED THAT YOU:

- Notify DHS as early as practicable (at least 48 hours, if possible) before the subject is released from your custody to allow DHS an opportunity to determine whether there is probable cause to conclude that he or she is a removable alien. Please notify DHS by calling (800) 451-3227. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at (800) 451-3227.
- This request for notification does not request or authorize that you detain the subject beyond the time he or she is currently scheduled for release from your custody.
- This request should not impact decisions about the subject's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.
- Refer this request to any other law enforcement agency to which you transfer custody of the subject.
- Notify this office in the event of the subject's death, hospitalization or transfer to another institution.

☐ If checked, please cancel the detainer related to this alien previously submitted to you on (Date) [REDACTED] (Signature of Immigration Officer) [REDACTED]

(Name and Title of Immigration Officer) [REDACTED] (Signature of Immigration Officer) [REDACTED]

Notice: If the subject may be the victim of a crime or you want the subject to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (800) 451-3227. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:

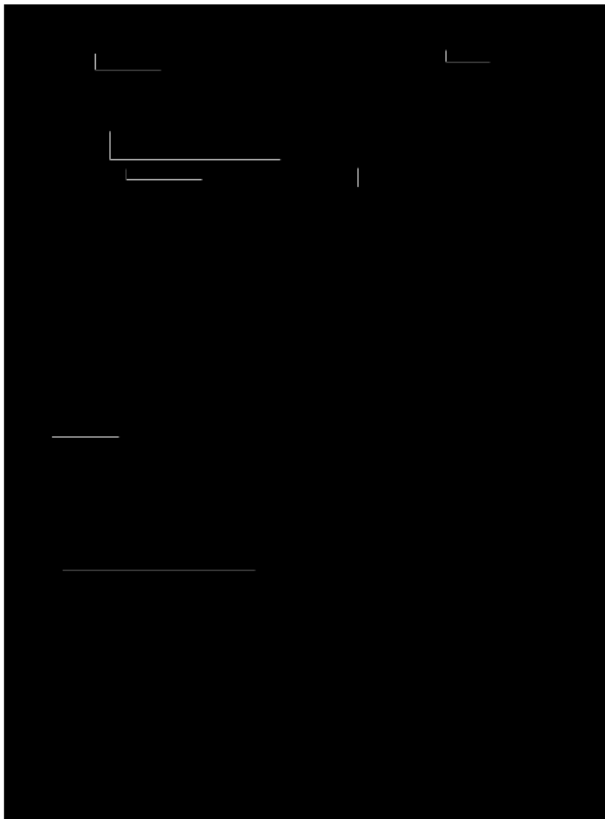
Please provide the information below, sign, and return to DHS by mailing, emailing, or faxing a copy to: [REDACTED]
Local Booking/Inmate #: [REDACTED] Est. release date/time: [REDACTED]
Date of latest criminal charge/conviction: [REDACTED]
Latest offense charge/conviction: [REDACTED]
(Name and Title of Officer) [REDACTED] (Signature of Officer) [REDACTED]

Interim Form I-247G (1/2020) Page 1 of 1

- Contact IMM using the provided number above
- Inform the IMM Officer the following:
 - “They are being notified, per the Immigration notification, that Inmate (Name & ID#) is being processed for release.”
 - DO NOT provide an approximate time of release, nor delay the release for pickup
- Expire Offender Alert
- Create a new Interested Party line with who you spoke to along with the date/time
 - The IMM Officer may tell you at that time they will not pick up, if so, also enter this info in Interested Party
 - Enter Interested Party
 - NOTE TYPE: Release
 - NOTE SUBTYPE: Final Note

- CASE NOTE: IMM to pick up @ DATE/TIME P# or
- CASE NOTE: IMM will not pick up per IMM Officer (name) @ date/time P#
- Annotate “IMM notified @ (date/time)” on the Releasing Checklist
- Annotate “IMM notified @ (date/time)” on the Releasing Log
- Place the inmate file in a **RED** folder if Immigration is picking up.

IMMIGRATION NOTIFICATIONS – WARRANT FOR ARREST OF ALIEN FORM I-200



U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. [REDACTED] 41

Date: 03/10/2023

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that [REDACTED] is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☒ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☒ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

[Signature]
(Signature of Authorized Immigration Officer)

[REDACTED]
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer _____ Name or Number of Interpreter (if applicable) _____

Form I-200 (Rev. 09/14)

- Contact IMM using the provided number above
- Inform the IMM Officer the following:
 - “They are being notified, per the Immigration notification, that Inmate (Name & ID#) is being processed for release.”
 - DO NOT provide an approximate time of release, nor delay the release for pickup
- Expire Offender Alert
- Create a new Interested Party line with who you spoke to along with the date/time
 - The IMM Officer may tell you at that time they will not pick up, if so, also enter this info in Interested Party
 - Enter Interested Party

- NOTE TYPE: Release
- NOTE SUBTYPE: Final Note
- CASE NOTE: IMM to pick up @ DATE/TIME P# or
- CASE NOTE: IMM will not pick up per IMM Officer (name) @ date/time P#
- Annotate “IMM notified @ (date/time)” on the Releasing Checklist
- Annotate “IMM notified @ (date/time)” on the Releasing Log
- Place the inmate file in a **RED** folder if Immigration is picking up.

IMMIGRATION WARRANTS – WARRANT OF REMOVAL/DEPORTATION FORM I-205

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: [REDACTED] FBI: [REDACTED] File No: [REDACTED]
Event #: [REDACTED] Date: March 13, 2023

TO: Name and Title of Institution - OR Any Subsequent Law Enforcement Agency: ICE/LA 1000A (00000000) 2302 LA0 1000A 0000 00 000 000 0000 LA0 1000A, NY 00000000

FROM: (Department of Homeland Security Office Address) 100 - Homeland Security, DC 20540-0000 300 0000 LA0000 000000 000000 000000 0000 0000 000000 000000

Name of Alien: [REDACTED]
Date of Birth: [REDACTED] Citizenship: [REDACTED] Sex: [REDACTED]

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (provide basis for 1 or 2):

☒ A final order of removal against the alien;
☐ The pending of ongoing removal proceedings against the alien;
☐ Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
☐ Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (provide basis for 1 or 2):

☐ Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

* Notify DHS as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling ☒ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at [REDACTED]. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 173-4000.

* Maintain custody of the alien for a period NOT TO EXCEED 48 HOURS beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien must be served with a copy of this form for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.

* Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.

* Notify this office in the event of the alien's death, hospitalization or transfer to another institution.

☐ If checked, please explain the detainer placed in this alien's file and submit to you on: [REDACTED] (date).

(Name and Title of Immigration Officer) (Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (866) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to: [REDACTED]

Local Booking/Inmate #: [REDACTED] Estimated release date/time: [REDACTED]

Date of latest criminal charge/conviction: [REDACTED] Last offense charged/conviction: [REDACTED]

This form was served upon the alien on [REDACTED], in the following manner:

☐ in person ☐ by inmate mail delivery ☐ other (please specify): [REDACTED]

(Name and Title of Officer) (Signature of Officer) (Sign in ink)

DHS Form I-240A (3/17) Page 1 of 3

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

Subject ID: [REDACTED] File No: [REDACTED]
Event #: [REDACTED] Date: March 13, 2023

To any immigration officer of the United States Department of Homeland Security:

[REDACTED]

who entered the United States at [REDACTED] Place (Place of entry) On [REDACTED] Date (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

☒ an immigration judge in exclusion, deportation, or removal proceedings
☐ a designated official
☐ the Board of Immigration Appeals
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act: 241(a)(5)

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of: [REDACTED] Reliance and Expenses, Department of Homeland Security 2123

Date: 2023.03.11
150732
-0800

FOR MICHAEL V. BARRACKS
(Signature of immigration officer)

Field Office Director
(Title of immigration officer)

March 13, 2023, Salt Lake City, UT
(Date and office location)

- Contact IMM using the provided number above.
- Inform the IMM Officer the following:
 - “They are being notified that Inmate (Name & ID#) has an Immigration Warrant and is being processed for release.”
 - Inquire when IMM can pick up the subject.
 - If picking up, update Detainer Charge Status to “REL TO IMMIGRATION” & Add AOK line to final released County charge.

- If NOT picking up, update Detainer Charge Status to “Fail to Pick-up” & Add AOK line to the final released County charge.
- Expire Offender Alert
- Create a new Interested Party line with who you spoke to along with the date/time
- The IMM Officer may tell you at that time they will not pick up, if so, also enter this info in Interested Party
 - Enter Interested Party
 - NOTE TYPE: Release
 - NOTE SUBTYPE: Final Note
 - CASE NOTE: IMM to pick up @ DATE/TIME P# or
 - CASE NOTE: IMM will not pick up per IMM Officer (name) @ date/time P#
- Annotate “IMM WARRANT @ (pick up date/time)” on the Releasing Checklist
- Annotate “IMM WARRANT @ (pick up date/time)” on the Releasing Log
- Place the inmate file in a **RED** folder if Immigration is picking up.

If releasing to SCRAM, OPTIONS or a Treatment Facility, **Notify** IMM for the Immigration Notices.

- Inmates with Immigration Warrants (I205) would not qualify for these types of releases.

If releasing to EMP

- Inmates with Immigration Warrants (I205)/Notifications (I200) would not qualify for these types of releases. Remove them from the EMP release list and notify HAEC.

If releasing to another jurisdiction, contact IMM at the above number to inform them where the inmate is being released to

KICK-OUT POST

- **IMMIGRATION WARRANTS – I247A (DHS Form) I247G (Interim Form)**
 - If IMM has not arrived to pick up, once the inmate has been fully dressed out, proceed with releasing of the inmate from CCDC
 - If IMM picks up, **DO** have the officer sign the TCR
 - Release Lodging as “RIMM”
- **IMMIGRATION NOTIFICATIONS – WARRANT FOR ARREST OF ALIEN FORM I-200**
 - If IMM has not arrived to pick up, once the inmate has been fully dressed out, proceed with releasing of the inmate from CCDC
 - If IMM picks up, **DO** have the officer sign the TCR

- Release Lodging as “DIMM”
- **IMMIGRATION WARRANTS – WARRANT OF REMOVAL/DEPORTATION FORM 1-205**
 - If IMM has not arrived to pick up in four hours from confirmation, proceed with releasing of the inmate from CCDC
 - If IMM picks up, **DO** have the officer sign the TCR
 - Release Lodging as “WIMM”

EXHIBIT E

OFFICER'S REPORT

"Click to Edit Event# on ALL Pages"

Event #: [REDACTED] 0883

"Click to Edit Date/Time of Report"

"PRINT"

Morais-Hechavarria, Sergio

SUBJECT

DIVISION
REPORTING:

DTAC

DIVISION OF
OCCURRENCE:

DT22

DATE & TIME
OCCURRED:

06/03/2023 0819

LOCATION OF
OCCURRENCE:

[REDACTED] NV 89104

NARRATIVE:

On 06/03/2023, at approximately 0819 hours, I Officer A. Buckland P#16388 while operating as marked patrol officer 2A52 conducted a vehicle stop on a white Mercedes sedan at Bruce / Lewis LV NV 89104 after a records check showed the vehicle to be stolen.

The records check showed the vehicle to be a white 2016 Mercedes E350, VIN V [REDACTED] 7194, license plate [REDACTED] S81 and stolen on 05/22/2023 out of North Las Vegas.

The driver was detained and identified verbally as Sergio Morais-Hechavarria DOB [REDACTED] 1989.

Keys to the vehicle were located in the ignition at the time of Morais' arrest.

Date and Time of Report:

07/06/2023 1100

Officer:

A. Buckland

P#: 16388

Approved By:

Sgt Dowler

Officer:

P#:

SIGNATURE:

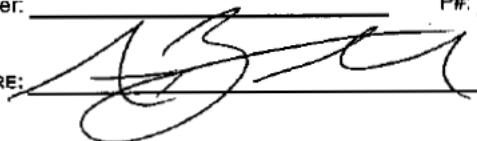


EXHIBIT F

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST REPORT

TCR1258974

☐ County Jail

☐ City Jail

☐ Adult

☐ Juvenile

Bureau: DTAC

ID# 8332753		EVENT # [REDACTED] 0883		ARRESTEE'S NAME (LAST) MORAIS-HECHAVARRIA		(FIRST) SERGIO		(MIDDLE)		SSN# [REDACTED] 418	
RACE B	SEX M	DOB [REDACTED] 1989	HGT 5'10"	WGT 180	HAIR BLK	EYES BRO	POB UNKNOWN, CUBA				
ARRESTEE'S ADDRESS STREET UNK			BLDG/APT #		CITY LAS VEGAS		STATE NV		ZIP CODE 89101		
OCCURRED DATE: 6/3/2023 TIME: 08:20		ARREST DATE: 6/3/2023 TIME: 08:45		LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE) [REDACTED] LAS VEGAS NEVADA 89104							
LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE) [REDACTED] LAS VEGAS NEVADA 89104											
CHARGES / OFFENSES PC - LVJCR - 61984 - F - POSS/RCV/TRNSFR STOLEN VEH PC - LVJCR - 62073 - F - POSS SCH I, II C/S LT 14 GRAMS, 1ST OR 2ND OFF											
CONNECTING REPORTS (TYPE OR EVENT NUMBER) BWC, TCR, DOA, RFP, WITNESS LIST, PROPERTY REPORT, ODV CHECKLIST METHAMPHETAMINE											

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 5 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of [REDACTED] LAS VEGAS NEVADA 89104 and that the offense(s) occurred at approximately 08:20 hours on the 3rd day of June, 2023.

Details for Probable Cause:

BWC Video Available

OFFICERS INVOLVED

A. Buckland P#16388

D. Lewis P#17768

J. Cabada P#17151

N. Jensen P#16400

SUSPECT

Morais-Hechavarria, Sergio

DOB [REDACTED] 89

ID [REDACTED] 2753

STOLEN VEHICLE

2016 Mercedes E350, VIN [REDACTED] 7194, License Plate [REDACTED] S81/NV

LOCATION

[REDACTED] LV NV 89104

CHARGES

POSS/RCV/TRNSFR STOLEN VEH, NRS 205.273.1

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: A BUCKLAND

P#: 16388

LVMPD 602 (Rev 02/18) Ward 2013

AA1726

CONTINUATION REPORT

SCOPE ID: [REDACTED] 753 EVENT #: [REDACTED] 10883

Page 2 of 2

POSS SCH I, II C/S LT 14 GRAMS, 1ST OR 2ND OFF, NRS 453.336.2A

DETAILS

On 06/03/2023, at approximately 0819 hours, I Officer A. Buckland P#16388 while operating as marked patrol officer 2A52 conducted a vehicle stop on a white Mercedes sedan at [REDACTED] IV 89104 after a records check showed the vehicle to be stolen.

The records check showed the vehicle to be a white 2016 Mercedes E350, VIN [REDACTED] 7194, license plate [REDACTED] 81 and stolen on 05/22/2023 out of North Las Vegas.

CUSTODY PHASE/MIRANDA

The driver was detained and identified verbally as Sergio Morais-Hechavarria DOB [REDACTED] 1989. Morais was read his Miranda rights via LVMPD GA 148 (Rev. 07-21) stock card by Officer N. Jensen P#16400 at 0830 hours to which Morais responded "Yes".

Officer Jensen asked Morais details about how he came to possess the Mercedes. Morais stated at 1300 hours on 06/02/2023 he was given the car from a homeless friend. When Morais asked his friend who's car it was his homeless friend refused to say that it was someone else's car.

Morais told Officer Jensen "I kinda knew it's gotta be stolen".

POSSESSION of STOLEN VEHICLE ARTICULATION

Due to my training and experience a reasonable person would not believe a vehicle, especially a Mercedes E350, which per Carvana sells for appx \$25,000 to not be stolen if it was just given to someone from an unhoused individual.

POSSESSION of CONTROLLED SUBSTANCE

During the search incident to arrest of Morais' person a small baggie with a white crystal like substance was located in his front right mini pocket. An additional tear off plastic bag was located in a pair of shorts Morais was wearing under his pants which again contained a white crystal like substance.

Due to my training and experience I immediately recognized this substance to be Methamphetamine.

I asked Morais if he knew what the substance was to which he replied "Drugs", I asked what kind of drugs to which he replied "Crystal".

I Officer Buckland who was ODV certified in 06/2017 tested the substance at CCDC. I weighed a total of 3gg and tested positive for Methamphetamine. The test was witnessed by Officer A. Mortel P#16620 who was ODV certified in 08/2017.

ARREST PHASE

Due to Morais knowingly being in possession of the stolen Mercedes he was charged with Possession of Stolen Vehicle. Due to Morais being in possession of 3gg of Methamphetamine he was charged with Possession of Controlled Substance LT 14g.

Morais was transported and booked into CCDC accordingly.

***** End *****

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: A BUCKLAND

P#: 16388

EXHIBIT G

Page 1 of 5	Las Vegas Metropolitan Police Department Domestic Violence Report	Event# [REDACTED] 1686
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Specific Crimes	Jurisdiction	Crime Category	Sector/Beat
Att Batt Dom Viol on Pregnant Vic, 1st Off(G)- NRS 200.485.4A	Clark County		W4

Location of Incident: (Number & Street)	City, ST Zip
[REDACTED]	Las Vegas, NV 89106

Occurred	Date/Time	Day	Report Taken	Date/Time	Connecting Report
	6/16/2025 11:18:00 PM	Monday		6/16/2025 11:19:00 PM	Body Camera Video Domestic Violence Information Card Domestic Violence Rpt Temporary Custody Record Victim Information Guide Witness List Request for Prosecution

				Reporting Officer	Squad	Follow-Up
Was there a witness?		Is there physical evidence present? (i.e., visible injury, weapons, etc.)		j20288t - thayer, justin	BA11	
Has victim requested temporary housing?		Is there a T.P.O. in effect? T#		Supervisor Approving		Follow-Up
				08458 - Solomon, Gideon		

Assisting Officers

T18117C - Culverson, Tyron	Officer
----------------------------	---------

Persons (List Victims First)

Victims

Name (Last, First Middle)				Non English Speaking		Language			
[REDACTED]									
Date of Birth	SSN	Race	Ethnicity	Sex	Ht.	Wt.	Hair	Eyes	DV Card
[REDACTED] 1992	[REDACTED] 510	[REDACTED]	[REDACTED]	Female	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Address Type	Address			CSZ			Country		
Residence	[REDACTED]			Las Vegas, NV [REDACTED]			United States		
Phone Type	Phone Number								

Victim / Suspect Relationship	Dating	Victim Demeanor
Voluntary Statement	Drugs / Alcohol	Photographs
	Unknown	No-Photos Not Taken

Victim Injuries

Injury Location	Injury Type	Injury Description
-----------------	-------------	--------------------

Children Present

Name	Age	Location	Witness	Statement
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DV Auxiliary LAP Questionnaire

Alcohol/Drugs Involved	Unknown	
Relationship of Aggressor to Victim	Dating	
Notes:		
If any of the questions below are answered "YES", victim is in HIGH RISK/DANGER Officer is to call an agency listed below and mark the HIGH RISK/DANGER check box.		
1	Yes	Has your partner (or whoever the aggressor is) ever used a weapon against you or threatened you with a weapon
2	Yes	Has he/she ever threatened to kill you or your children?
3	Yes	Do you think he/she might try to kill you?
If any three of the questions below are answered "YES", victim is in HIGH RISK/DANGER Officer is to call an agency listed below and mark the HIGH RISK/DANGER check box.		
4	Yes	Does he/she have a gun or can he/she get one easily?
5	Yes	Has he/she ever tried to strangle you?
6	Yes	Is he/she violently or consistently jealous or do they control most or all of your daily activities?
7	Yes	Have you left him/her or separated after living together or being married?

Page 2 of 5	Las Vegas Metropolitan Police Department Domestic Violence Report	Event# 1686
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8	Yes	Is he/she unemployed?
9	No	Has he/she ever tried to kill himself/herself?
10	No	Do you have a blended family (step children)?
11	No	Does he/she follow or spy on you or leave threatening messages?
12	Yes	HIGH RISK/DANGER

SafeNest - 646-4981		Call Completed	No
Victim Refused Call	Yes	Busy/No Answer	No

Any Additional Comments

Page 3 of 5	Las Vegas Metropolitan Police Department Domestic Violence Report	Event# [REDACTED] 1686
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Arrestees

Name (Last, First Middle) Morais- Hechavarria, Sergio						Non English Speaking		Language	
Date of Birth	SSN	Race	Ethnicity	Sex	Ht.	Wt.	Hair	Eyes	DV Card
[REDACTED]/1989	[REDACTED] 9418	Black or African American	Not Hispanic or Latino	Male	5' 10"	180	Black	Brown	No

Addresses

Address Type	Address	CSZ	Country
Residence	[REDACTED]	Las Vegas, NV [REDACTED]	United States
Phone Type	Phone Number		
Voluntary Statement	Drugs / Alcohol	No	Photographs
Primary Aggressor	Yes	TPO In Effect	No
		Arrestee Demeanor	Angry

Arrestee Injuries

Injury Location	Injury Type	Injury Description
-----------------	-------------	--------------------

Witnesses

Received	Dispatched	Arrived	Caller
Primary Aggressor	Mitigating Factors	Arrested Both Parties	Medical Release
Background Noise on Arrival		Medical Attention	

Responding Agencies	Unit Number
---------------------	-------------

(Bwc Recording Available)

On 06/16/25 at approximately 2318 hours a call for service was generated reference a family disturbance at the residence of [REDACTED] Las Vegas NV [REDACTED] I, Officer J. Thayer P#20288 operating as marked patrol unit 1W4 along with Officer T. Culverson P#18117 operating as marked patrol unit 1W21 were dispatched to the residence. The call details stated that a male and female were in a verbally altercation and that it possibly was physical.

PC for Obstruction:

Upon arrival I made we made contact with the male that was involved. I asked him if he had an ID and he said no. I advised him that if he were to lie to me about any of his identifying information that it would be a charge and he would be taken to jail. He understood and told me that his name was Jorje Lezcana Garcia DOB [REDACTED]/90. I went to confirm his identity through law enforcement data base and got no response. He told me that he has been arrested in Nevada before which means he should have a SCOPE that pops up. I advised him that the information he gave me did not come back with any response. He told me that he could write it down. He wrote down Jorge Leandro. I once again was not able to locate him. A picture of the name he wrote down was uploaded to OnBase.

Officer Culverson asked the victim who was identified as [REDACTED] [REDACTED]/92 what the males name and date of birth was. She said his name was Sergio Morais DOB 01/06 (she did not know the year he was born but a candidate list popped up and officers were able to run his SCOPE ID number). When running the ID number his SCOPE popped up, his mugshot picture was attached and showed that it was the same male we had in custody. His actual information is Sergio Morais-Hechavarria DOB [REDACTED]/89.

He requested to speak with a supervisor. Sergeant Solomon P#8458 operating as 803 arrived on scene to speak with Sergio. Sergio wanted a supervisor on scene so that he could give him his true personal information and that he had a warrant out for his arrest.

A records check revealed that Sergio had a warrant out for his arrest for Possession of Stolen Vehicle, Warrant #23-CR-041490.

Sergio Interview:

The following information was obtained (not verbatim). Sergio went to [REDACTED] friends house to pick up her bags. Her friends told Sergio that she has been lying to him about things (he did not say what). Sergio went back to the residence to confront her about her lying. They got into a verbal altercation but it never got physical. According to Sergio they decided to break up so he started to grab his belongings and bring them outside. That is when Officers showed up.

Sergio stated that he has been in a relationship with [REDACTED] for over a year coming up on two years. He also told me that she was pregnant.

[REDACTED] Interview:

I, Officer T. Culverson P#18117 operating as marked patrol unit 1W21, interviewed [REDACTED] and obtained the following. [REDACTED] told me that her and Sergio were arguing because when they left a friends house, she told Sergio that one of their friends "groped" her. Sergio went back to get both of their belongings because [REDACTED] and Sergio were going to go to rehab to get clean for their child they are expecting due to [REDACTED] being 5 months pregnant. When Sergio returned to [REDACTED], the argument began. [REDACTED] said that she was sitting on the couch along the west side of the living room [REDACTED] said that Sergio was trying to get her to leave the residences and go back to their friends house to confront them because he was told she lied.

[REDACTED] told Sergio that she did not want to go and Sergio began pulling her off of the couch. [REDACTED] said that she put her hands up to stop Sergio from pulling on her, and then Sergio had hit the back of [REDACTED]'s neck. [REDACTED] said that after Sergio hit her, she was on the floor.

A resident of [REDACTED], identified as [REDACTED], came to the living room and told Sergio "to leave [REDACTED] alone and not to be doing that shit in here."

[REDACTED] denied medical attention, safenest, and photos to document the injury because she did not want to get Sergio in trouble.

Due to the above facts and circumstances Sergio used force of violence (grabbing [REDACTED] off the couch, hit her on the back of the head and while she was down) against the person of another ([REDACTED]) with whom that person shares a domestic relationship (dating for almost two years) knowing that [REDACTED] was pregnant (he told me that she was). He was charged with Domestic battery on a pregnant person.

Due to the above facts and circumstances Sergio did after due notice , willfully hinder, delay a public officer (Officer J. Thayer P#20288 LVMPD in the lawful discharge of his duty (investigating a domestic battery) by (giving me the wrong name and date of birth). He was charged with Obstructing a Public Officer.

I, Officer j20288t - thayer, justin of the Las Vegas Metropolitan Police Department for _____, declare, subject to [penalty of perjury, that the above information is true and correct to the best of my knowledge or information and belief as identified. The above described information gives me probable cause to believe that on **6/16/2025 11:18:00 PM**, _____ (name @ booking) also known as _____ (true name per SCOPE), committed the crimes(s) of:

In the location of [REDACTED] . **Las Vegas, NV** [REDACTED] within **Clark County**. Declarant prays that your Honorable Magistrate finds that probable cause exists to hold the above-named person to answer such charge(s).

Dated this **16** Day of **October** , **2025**

Officers Preferred Court Time					Declarant (Sign and Print)
M	T	W	T	F	
☐	☐	☐	☐	☐	☐ a.m. ☐ p.m.
Connecting Documents Secondary Event #		☐ Vol. St.	☐ Other		
		Evid./Veh.	_____		
					Supervisor Name (Sign and Print) (Must be signed by Supervisor if Felony)

EXHIBIT H

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST REPORT

TCR1387511

☐ County Jail

☐ City Jail

☐ Adult

☐ Juvenile

Bureau: DSD

ID# 8332753		EVENT # [REDACTED] 5161		ARRESTEE'S NAME (LAST) MORAIS-HECHAVARRIA			(FIRST) SERGIO	(MIDDLE)	SSN# [REDACTED]-9418
RACE B	SEX M	DOB [REDACTED]/1989	HGT 5'10"	WGT 180	HAIR BLK	EYES BRO	POB UNKNOWN, CUBA		
ARRESTEE'S ADDRESS [REDACTED] [REDACTED] STREET			BLDG/APT #		CITY LAS VEGAS		STATE NV	ZIP CODE 89101	
OCCURRED DATE: 6/20/2025 TIME: 08:45		ARREST DATE: 6/20/2025 TIME: 08:45		LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE) [REDACTED] LAS VEGAS NEVADA 89101					
LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE) 330 S CASINO CENTER BLVD LAS VEGAS NEVADA 89101									
CHARGES / OFFENSES PC - LVJCR - 50229 - F - BATTERY BY PRSNR/PNP									
CONNECTING REPORTS (TYPE OR EVENT NUMBER) WIT LIST, RFP, BWC, ETCR									

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 5 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of 330 S CASINO CENTER BLVD LAS VEGAS NEVADA 89101 and that the offense(s) occurred at approximately 08:45 hours on the 20th day of June, 2025.

Details for Probable Cause:

Event Number:

[REDACTED] 5161

Facility Name: Clark County Detention Center, 330 South Casino Blvd Las Vegas NV 89101

Date: 06/20/2025

Time of Report: 0945

Reporting Officer: GREGA, TY PN18555

Suspect Information:

Morais-Hechavarria, Sergio ID# 8332753

Charge(s):

1. Battery by Prisoner (Felony-NRS 200.481.2F-NOC50229)

Victim Information:

[REDACTED] ID# [REDACTED] 3182

Officers Involved:

Officer M. Kim PN 19392 (Module Officer)

Sergeant B. Morris PN 14421(Floor Sergeant)

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: T GREGA

P#: 18555

CONTINUATION REPORT

SCOPE ID: 8332753

EVENT #: [REDACTED] 75161

Page 2 of 2

Persons Involved:

[REDACTED] ID# [REDACTED] 3182

Morais-Hechavarria, Sergio ID# 8332753

Evidence: Video of incident was captured by CCDC Camera #08023, BWC Interview**Incident Summary:**

On June 20, 2025, at approximately 0845 hours a 416 (Fight) occurred on the upper tier of North Tower 7A during medication pass. CCDC video surveillance shows that inmates Morais-Hechavarria, Sergio ID#8332753 and [REDACTED] ID# [REDACTED] 3182 engaged in a physical altercation after a previous verbal dispute.

At approximately 0838 hours [REDACTED] can be seen talking to Morais possibly about medication pass, but from the module cameras it appears that they are disagreeing about something, and the conversation doesn't seem friendly. This verbal dispute went on until 0840 hours when Morais went to the nurse.

At approximately 0844 hours while Morais is by the officers desk for medication pass, [REDACTED] can be seen throwing Morais-Hechavarria, Sergio ID# 8332753 mattress, linen, books and other items over the railing near their cell (North Tower 7A-40). After receiving medications Morais was returning to his room at approximately 0845 hours, where [REDACTED] confronted him in front of their cell. Morais can be seen via module cameras throwing the first two punches with a left and a right strike. [REDACTED] after being hit by Morais, appears to attempt to protect himself but then engages in mutual combat. The fight then continues between the two with multiple punches being thrown by both parties involved. The fight makes its way in front of cell 35 where it appears that [REDACTED] attempted to encircle Morais neck.

At approximately 0844 appears that Morais talked Officer Kim PN 19392 about his items being thrown out. Officer Kim then secured the nurse in the officer office and walked over to see what was going on. This is when he noticed the mutual combat between the two inmates.

At approximately 0845 hours, it appears that [REDACTED] saw Officer Kim coming up the stairs while pulling out his ECD (Taser) and attempted to disengage and back away. Morais appears to be attempting to throw more punches while advancing towards [REDACTED]. Both parties once fully disengaged from each other, complied with officers commands to get on the ground.

At approximately 0846, both parties were restrained in wrist restraints, separated and removed from the module.

Sergeant Morris read Miranda to Morais before questioning, Morais was read his at approximately 0853 hours. Morais stated to Sergeant Morris that (Not verbatim), he went for meds and saw his mattress and items on the floor downstairs. He went upstairs and asked his cellmate what is this, to which they started fighting.

Both [REDACTED] and Morais were seen by Naphcare staff (Morais at approximately 0850 hours and [REDACTED] at approximately 0857 hours). Both [REDACTED] and Morais had visual marks of an altercation that was treated by nursing staff. Both were cleared to be placed on Conduct Adjustment Board (CAB) status in 9CD disciplinary housing.

Recommendation:

Rebooking is recommended for one count of Battery by a Prisoner (NRS 200.481.2F) based on the observed of both parties involved willful and unlawful use of force, [REDACTED] and Morais both using their fists and swinging at each other, continuation of the assault until officers got involved while in lawful custody.

***** End *****

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: T GREGA

P#: 18555

EXHIBIT I

8332-753

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: [REDACTED] 54461

Event #: [REDACTED] 10564

FBI# 116572FH5

File No: [REDACTED] 421

Date: June 17, 2025

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency) CLARK COUNTY DET. CENTER
330 S. CASINO CENTER,
LAS VEGAS, NV
US 89101

FROM: (Department of Homeland Security Office Address)
ERO - Pacific Enforcement Response Center
3 Hutton Centre Drive
3rd floor
Santa Ana, CA 92707

Name of Individual: MORAIS HECHAVARRIA, SERGIO

Date of Birth: [REDACTED]/1989

Citizenship: CUBA

Sex: M

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE INDIVIDUAL. THIS DETERMINATION IS BASED ON (complete box 1 or 2).

SID #: NV [REDACTED] 2934

- ☒ A final order of removal against the individual;
- ☐ The pendency of ongoing removal proceedings against the individual;
- ☐ Biometric confirmation of the individual's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the individual either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ Statements made by the individual to an immigration officer and/or other reliable evidence that affirmatively indicate the individual either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE INDIVIDUAL TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).

- ☐ Upon completion of the proceeding or investigation for which the individual was transferred to your custody, DHS intends to resume custody of the individual to complete processing and/or make an admissibility determination.

Consistent with "the policy of the United States to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people," set forth in Executive Order 14159, Protecting the American People Against Invasion, DHS requests cooperation regarding the subject who:

- ☐ illegally reentered the United States after a prior removal;
- ☒ is subject to the detainer provision of the Laken Riley Act and is required to be effectively and expeditiously taken into custody by DHS pursuant to 8 U.S.C. § 1226(c)(3);
- ☐ is a member of a designated foreign terrorist organization; and/or
- ☒ otherwise poses a risk to national security, border security, or public safety.

IT IS THEREFORE REQUESTED THAT YOU:

- **Serve the individual** a copy of this form, and complete and return to ICE the service information at the bottom of this form. If the detainer is not served, the detainer is not valid and may not be relied upon to maintain custody of the individual.
- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the individual is released from your custody. Please notify DHS by calling ☒ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at [REDACTED] 4260
- If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020. Pursuant to 8 U.S.C. § 1373(a), Federal, State, and local government entities and officials may not prohibit or in any way restrict the sending to, or receiving from, DHS information regarding the citizenship or immigration status, lawful or unlawful, of any individual.
- **Maintain custody** of the individual for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. This detainer arises from DHS authorities and should not impact decisions about the individual's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.

AA188

IT IS THEREFORE REQUESTED THAT YOU: (Continued)

- Relay this detainer to any other law enforcement agency to which you transfer custody of the individual.
- Notify this office in the event of the individual's death, hospitalization or transfer to another institution.

☐ If checked: please cancel the detainer related to this individual previously submitted to you on _____ (date).

- DEPORTATION OFFICER

(Name and title of Immigration Officer)

[Signature]

Digitally signed by JPL/USA
DN: cn=JPL/USA, o=ICE, ou=ICE, email=jpl@ice.dhs.gov

(Signature of Immigration Officer)

Notice: IT IS A CRIME TO HARBOR OR CONCEAL A PERSON WANTED BY THE FEDERAL GOVERNMENT.

Whoever harbors or conceals any person for whose arrest a warrant or process has been issued under the provisions of any law of the United States, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be fined under this title or imprisoned not more than one year, or both; except that if the warrant or process issued on a charge of felony, or after conviction of such person of any offense, the punishment shall be a fine under this title, or imprisonment for not more than five years, or both. 18 U.S.C. § 1071.

Pursuant to 8 U.S.C. § 1357(a)(1), DHS officers are authorized even without a warrant to interrogate any alien or person believed to be an alien as to his/her right to be or remain in the United States.

DHS officers are authorized to arrest a removable alien under the immigration laws pursuant to an administrative warrant pending a decision on whether they will be removed from the United States, under 8 U.S.C. § 1226(a) and 8 C.F.R. § 236.1(b), or pending removal, under 8 C.F.R. § 241.2(a)(1), and may arrest removable aliens under certain circumstances without a warrant pursuant to 8 U.S.C. § 1357(a). Under no circumstance is a judicial warrant required for the arrest of an alien under the immigration laws.

Notice: If the individual may be the victim of a crime or you want the individual to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE INDIVIDUAL WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____

This form was served upon the individual on _____, in the following manner:

☐ in person ☐ by inmate mail delivery ☐ other (please specify): _____

(Name and title of Officer)

(Signature of Officer)

NOTICE TO THE DETAINEE

The Department of Homeland Security (DHS) has placed an immigration detainer on you. An immigration detainer is a notice to a law enforcement agency that DHS intends to assume custody of you (after you otherwise would be released from custody) because there is probable cause that you are subject to removal from the United States under federal immigration law. DHS has requested that the law enforcement agency that is currently detaining you maintain custody of you for a period not to exceed 48 hours beyond the time when you would have been released based on your criminal charges or convictions. **If DHS does not take you into custody during this additional 48 hour period, you should contact your custodian** (the agency that is holding you now) to inquire about your release. **If you believe you are a United States citizen or the victim of a crime, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903 / (802) 872-1310.**

NOTIFICACIÓN A LA PERSONA DETENIDA

El Departamento de Seguridad Nacional (DHS) le ha puesto una retención de inmigración. Una retención de inmigración es un aviso a una agencia de la ley que DHS tiene la intención de asumir la custodia de usted (después de lo contrario, usted sería puesto en libertad de la custodia) porque hay causa probable que usted está sujeto a que lo expulsen de los Estados Unidos bajo la ley de inmigración federal. DHS ha solicitado que la agencia de la ley que le tiene detenido actualmente mantenga custodia de usted por un periodo de tiempo que no exceda de 48 horas más del tiempo original que habría sido puesto en libertad en base a los cargos judiciales o a sus antecedentes penales. **Si DHS no le pone en custodia durante este periodo adicional de 48 horas, usted debe de contactarse con su custodio** (la agencia que le tiene detenido en este momento) para preguntar acerca de su liberación. **Si usted cree que es un ciudadano de los Estados Unidos o la víctima de un crimen, por favor avise al DHS llamando gratuitamente al Centro de Apoyo a la Aplicación de la Ley ICE al (855) 448-6903 / (802) 872-1310.**

AVIS AU DETENU OU À LA DÉTENUE

Le Département de la Sécurité Intérieure (DHS) a placé un dépositaire d'immigration sur vous. Un dépositaire d'immigration est un avis à une agence de force de l'ordre que le DHS a l'intention de vous prendre en garde à vue (après cela vous pourrez par ailleurs être remis en liberté) parce qu'il y a une cause probable que vous soyez sujet à expulsion des États-Unis en vertu de la loi fédérale sur l'immigration. Le DHS a demandé que l'agence de force de l'ordre qui vous détient actuellement puisse vous maintenir en garde pendant une période ne devant pas dépasser 48 heures au-delà du temps après lequel vous auriez été libéré en se basant sur vos accusations criminelles ou condamnations. **Si le DHS ne vous prenne pas en garde à vue au cours de cette période supplémentaire de 48 heures, vous devez contacter votre gardien (ne)** (l'agence qui vous détient maintenant) pour vous renseigner sur votre libération. **Si vous croyez que vous êtes un citoyen ou une citoyenne des États-Unis ou une victime d'un crime, s'il vous plaît aviser le DHS en appelant gratuitement le centre d'assistance de force de l'ordre de l'ICE au (855) 448-6903 / (802) 872-1310.**

NOTIFICAÇÃO AO DETENTO

O Departamento de Segurança Nacional (DHS) expediu um mandado de detenção migratória contra você. Um mandado de detenção migratória é uma notificação feita à uma agência de segurança pública que o DHS tem a intenção de assumir a sua custódia (após a qual você, caso contrário, seria liberado da custódia) porque existe causa provável que você está sujeito a ser removido dos Estados Unidos de acordo com a lei federal de imigração. O DHS solicitou à agência de segurança pública onde você está atualmente detido para manter a sua guarda por um período de no máximo 48 horas além do tempo que você teria sido liberado com base nas suas acusações ou condenações criminais. **Se o DHS não leva-lo sob custódia durante este período adicional de 48 horas, você deve entrar em contato com quem tiver a sua custódia** (a agência onde você está atualmente detido) para perguntar a respeito da sua liberação. **Se você acredita ser um cidadão dos Estados Unidos ou a vítima de um crime, por favor informe ao DHS através de uma ligação gratuita ao Centro de Suporte de Segurança Pública do Serviço de Imigração e Alfândega (ICE) pelo telefone (855) 448-6903 / (802) 872-1310.**

THÔNG BÁO CHO NGƯỜI BỊ GIAM

Bộ Nội An (DHS) đã ra lệnh giam giữ di trú đối với quý vị. Giam giữ di trú là một thông báo cho cơ quan công lực rằng Bộ Nội An sẽ đảm đương việc lưu giữ quý vị (sau khi quý vị được thả ra) bởi có lý do khả tín quý vị là đối tượng bị trục xuất khỏi Hoa Kỳ theo luật di trú liên bang. Sau khi quý vị đã thi hành đầy đủ thời gian của bản án dựa trên các tội phạm hay các kết án, thay vì được thả tự do, Bộ Nội An đã yêu cầu cơ quan công lực giữ quý vị lại thêm không quá 48 tiếng đồng hồ nữa. Nếu Bộ Nội An không đến bắt quý vị sau 48 tiếng đồng hồ phụ trội đó, quý vị cần liên lạc với cơ quan hiện đang giam giữ quý vị để tham khảo về việc trả tự do cho quý vị. Nếu quý vị là công dân Hoa Kỳ hay tin rằng mình là nạn nhân của một tội ác, xin vui lòng báo cho Bộ Nội An bằng cách gọi số điện thoại miễn phí 1(855) 448-6903 / (802) 872-1310 cho Trung Tâm Hỗ Trợ Cơ Quan Công Lực Di Trú.

被拘留者通知書

國土安全部(Department of Homeland Security, 簡稱DHS)已經對你發出移民拘留令。移民拘留令為一給予執法機構的通知書, 闡明DHS意欲獲取對你的羈押權(若非有此羈押權, 你將會被釋放); 因為根據聯邦移民法例, 並基於合理的原由, 你將會被遞解離美國國境。DHS亦已要求現正拘留你的執法機構, 在你因受到刑事檢控或定罪後, 而在本應被釋放的程序下, 繼續對你作出不超過四十八小時的監管。若你在這附加的四十八小時內, 仍未及移交至DHS的監管下, 你應當聯絡你的監管人(即現正監管你的機構)查詢有關你釋放的事宜。若你認為你是美國公民或為罪案受害者, 請致電ICE執法部支援中心(Law Enforcement Support Center)知會DHS, 免費電話號碼: (855)448-6903 / (802) 872-1310。

EXHIBIT J

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
WARRANT OF REMOVAL/DEPORTATION

Subject ID: [REDACTED] 4461
File No: [REDACTED] 421
Event No: [REDACTED] 0564
Date: June 17, 2025

To any immigration officer of the United States Department of Homeland Security:

SERGIO MORAIS HECHAVARRIA

(Full name of alien)

who entered the United States at Unknown Place on Unknown Date
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☒ an immigration judge in exclusion, deportation, or removal proceedings
☐ a designated official
☐ the Board of Immigration Appeals
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

212a7a11;

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

Salaries and Expenses, Department of Homeland Security 2025

 Date:
2025.06.17
07:30:41 -07'00'

for: MICHAEL V. BERNACKE

(Signature of immigration officer)

FOD

(Title of immigration officer)

June 17, 2025, SALT LAKE CITY, UT

(Date and office location)

To be completed by immigration officer executing the warrant: Name of alien being removed:

SERGIO MORAIS HECHAVARRIA

Port, date, and manner of removal: _____



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of immigration officer taking print)

Departure witnessed by: _____

(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by: _____

(Signature and title of immigration officer)

EXHIBIT K

From: [Samiko Swonger](#)
To: ["Nicole Weis"](#); ["Glennie Chavez"](#); ["Tammy Singletary"](#); [Amy Finley](#)
Subject: RE: Sergio Morais Hechaavarria

The DC case is still active. In order for CCDC to release him to ICE, the order to go to Inpatient will have to be rescinded.

From: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>
Sent: Tuesday, August 19, 2025 6:27 PM
To: Samiko Swonger <S9615S@LVMPD.COM>; Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>
Subject: Re: Sergio Morais Hechaavarria

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

Right, his county charges were satisfied today (he was ordered to probation and to inpatient treatment). How long do you hold inmates on an ICE warrant/detainer if they are not picked up by ICE before they are released?

Get [Outlook for iOS](#)

From: Samiko Swonger <S9615S@LVMPD.COM>
Sent: Tuesday, August 19, 2025 6:22:47 PM
To: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>; Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>
Subject: RE: Sergio Morais Hechaavarria

He has a warrant so his county charges have to be satisfied before he can be released to ICE.

From: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>
Sent: Tuesday, August 19, 2025 6:20 PM
To: Samiko Swonger <S9615S@LVMPD.COM>; Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>
Subject: Re: Sergio Morais Hechaavarria

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links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

How long are you holding inmates on ICE detainers before they are released?

Thank you,
Nicole Weis

Get [Outlook for iOS](#)

From: Samiko Swonger <S9615S@LVMPD.COM>
Sent: Tuesday, August 19, 2025 6:18:04 PM
To: Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>
Cc: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>
Subject: RE: Sergio Morais Hechaavarria

He has an ICE warrant so he can't go to Inpatient Treatment.

From: Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>
Sent: Tuesday, August 19, 2025 4:51 PM
To: Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@LVMPD.COM>; Samiko Swonger <S9615S@LVMPD.COM>
Cc: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>
Subject: Sergio Morais Hechaavarria

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Please see above referral for Sergio Morais Hechaavarria, he is ready to go as soon as bed becomes available.

Glennie Chavez, LMSW
Social Worker
CLARK COUNTY PUBLIC DEFENDER'S OFFICE
P: (702) 455-██████ / F: (702) 383-2873
Glennie.chavez@clarkcountynv.gov

EXHIBIT L

ATTORNEY-CLIENT PRIVILEGE / WORK PRODUCT

From: Samiko Swonger
Sent: Tuesday, September 9, 2025 2:09 PM
To: Khoury, Nura <khouryn@clarkcountycourts.us>
Subject: RE: Sergio Morais-Hechavarria ID# 8332753 Case# C-25-392542-1

Thank You!

From: Khoury, Nura <khouryn@clarkcountycourts.us>
Sent: Tuesday, September 9, 2025 2:07 PM
To: Samiko Swonger <S9615S@LVMPD.COM>
Subject: RE: Sergio Morais-Hechavarria ID# 8332753 Case# C-25-392542-1

You don't often get email from khouryn@clarkcountycourts.us. [Learn why this is important](#)

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your LVMPD account credentials.**

Good afternoon,

This has been set for a status check for September 11, 2025 at 9:30 am.

Thank you,

Nura S. Khoury

Judicial Executive Assistant to
The Honorable Judge Tara Clark Newberry
Eighth Judicial District Court – Dept 21
Clark County – Regional Justice Center
Phone: (702) 671-4[REDACTED]
khouryn@clarkcountycourts.us

From: Samiko Swonger <S9615S@LVMPD.COM>
Sent: Tuesday, September 9, 2025 9:09 AM
To: Khoury, Nura <khouryn@clarkcountycourts.us>
Subject: Sergio Morais-Hechavarria ID# 8332753 Case# C-25-392542-1

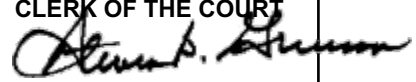
Good Morning,

The above defendant is court ordered to Inpatient Treatment, but he also has an ICE warrant which prevents from him from being transported. Is it possible to get him placed back on calendar to have this addressed?

Samiko Swonger P# 9615
Detention Transition Services Coordinator
(702)671-3[REDACTED]

***** This electronic transmission is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original. Clark County Detention Center - Records *****

EXHIBIT M



NANCY M. LEMCKE, PUBLIC DEFENDER
NEVADA BAR NO. 5416
NICOLE A. WEIS, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 16465
PUBLIC DEFENDER'S OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Nicole.Weis@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

SERGIO MORAIS-HECHAVARRIA,

Defendant.

CASE NO. C-25-392542-1

DEPT. NO. XXI

Hearing Date Requested:
DATE: September 11, 2025
TIME: 9:30 a.m.

MOTION FOR STATUS CHECK

COMES NOW, the Defendant, SERGIO MORAIS-HECHAVARRIA, by and through NICOLE A. WEIS, Deputy Public Defender, and hereby request a status check for defendant's transportation to inpatient treatment.

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 9th day of September, 2025.

NANCY M. LEMCKE
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Nicole A. Weis
NICOLE A. WEIS, #16465
Deputy Public Defender

1 **DECLARATION**

2 NICOLE A. WEIS makes the following declaration:

3 1. I am an attorney duly licensed to practice law in the State of Nevada; I am a
4 Deputy Public Defender for the Clark County Public Defender's Office appointed to represent
5 Defendant Sergio Morais-Hechavarria in the present matter;

6 2. I am more than 18 years of age and am competent to testify as to the matters
7 stated herein. I am familiar with the procedural history of the case and the substantive
8 allegations made by The State of Nevada. I also have personal knowledge of the facts stated
9 herein or I have been informed of these facts and believe them to be true.

10 3. Mr. Morais-Hechavarria was sentenced to probation on August 19, 2025 with the
11 condition that he first be transported to an inpatient treatment facility.

12 4. Mr. Morais-Hechavarria requires a status check on his transport to inpatient
13 treatment.

14 I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

15 EXECUTED this 9th day of September, 2025.

16
17 /s/ Nicole A. Weis
18 NICOLE A. WEIS
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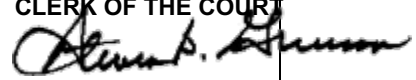
YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing MOTION on for hearing before the Court on the 11th day of September, 2025, at 9:30 a.m.

NANCY M. LEMCKE
CLARK COUNTY PUBLIC DEFENDER

CERTIFICATE OF ELECTRONIC SERVICE

By: /s/ Nicole MB Walker
An employee of the
Clark County Public Defender's Office

EXHIBIT N



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,
Plaintiff,

vs.

SERGIO MORAIS-
HECHAVARRIA,
Defendant.

CASE NO. C-25-392542-1

DEPT. NO. XXI

BEFORE THE HONORABLE TARA CLARK NEWBERRY,
DISTRICT COURT JUDGE
THURSDAY, SEPTEMBER 11, 2025

**RECORDER'S TRANSCRIPT OF HEARING RE:
DEFENDANT'S MOTION FOR STATUS CHECK**

APPEARANCES:

For the State:

CHASE CHRISTENSEN, ESQ.
Deputy District Attorney

For the Defendant:

NICOLE A. WEIS, ESQ.
Deputy Public Defender

Also Present:

RICHARD EVANS
Spanish Interpreter

RECORDED BY: ROBIN PAGE, COURT RECORDER

1 **Las Vegas, Nevada; Thursday, September 11, 2025**

2 * * * * *

3 [Proceeding commenced at 9:54 a.m.]

4 THE CLERK: C392542, State of Nevada versus Sergio
5 Morais-Hechavarria.

6 MS. WEIS: And Nicole Weis on behalf of Mr. Sergio Morais-
7 Hechavarria. He is present in custody.

8 THE COURT: Okay.

9 MR. CHRISTENSEN: Chase Christensen for the State.

10 MS. WEIS: And, Your Honor, he's present with the assistance
11 of the Spanish interpreter.

12 THE COURT: Okay.

13 Mr. Interpreter, your name, please.

14 THE SPANISH INTERPRETER: Richard Evans.

15 THE COURT: Okay.

16 MS. WEIS: And, Your Honor, I placed this on calendar for a
17 status check on inpatient. The jail has indicated that Mr. Morais-
18 Hechavarria has an ICE hold preventing him from being transported at
19 this time.

20 THE COURT: Okay.

21 MS. WEIS: My request today, and I understand that Your
22 Honor may not have jurisdiction to do this, but my request today is to
23 ask you to lift that ICE hold so that he can be transported to inpatient.

24 THE COURT: I don't have the jurisdiction to do that.

25 MS. WEIS: Understood.

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THE COURT: Yeah.

MS. WEIS: Okay.

THE COURT: That is federal government.

MS. WEIS: Understood.

THE COURT: Okay.

MS. WEIS: Thank you. We'll -- we're going to address it
otherwise, but thank you.

THE COURT: Okay. All right.

MS. WEIS: Thank you so much.

[Proceeding concluded at 9:55 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed
the audio/video proceedings in the above-entitled case to the best of my
ability.



Robin Page
Court Recorder/Transcriber

EXHIBIT O

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 11, 2025

C-25-392542-1	State of Nevada
	vs
	Sergio Morais-Hechaavarria

September 11, 2025 9:30 AM Motion

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Evellene Cervantes

RECORDER: Robin Page

PARTIES	Christensen, Chase	Attorney for Plaintiff
PRESENT:	Morais-Hechaavarria, Sergio	Defendant
	State of Nevada	Plaintiff
	Weis, Nicole Adriana	Attorney for Defendant

JOURNAL ENTRIES

Spanish Interpreter, Richard Evans, present.

Ms. Weis requested the Court lift the ICE hold so that the Defendant can be transported to inpatient treatment. Court advised it did not have jurisdiction.

CUSTODY

EXHIBIT P

From: Samiko Swonger
Sent: Tuesday, October 14, 2025 4:36 PM
To: Tammy Singletary; Gardis Canty
Subject: RE: [EXTERNAL] FW: Sergio Morais Hechaavarria

Good Afternoon,

I am adding Mr. Morais-Hechaavarria to the list for 10/16.

From: Tammy Singletary <tammy.singletary@westcare.com>
Sent: Thursday, August 21, 2025 2:03 PM
To: Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; Gardis Canty <gardis.canty@westcare.com>
Cc: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>; Samiko Swonger <S9615S@LVMPD.COM>; Amy Finley <a13103f@LVMPD.COM>
Subject: RE: [EXTERNAL] FW: Sergio Morais Hechaavarria

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Adding Samiko and Amy to the thread so they can provide the release date.

From: Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>
Sent: Thursday, August 21, 2025 12:17 PM
To: Tammy Singletary <tammy.singletary@westcare.com>; Gardis Canty <gardis.canty@westcare.com>
Cc: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>
Subject: [EXTERNAL] FW: Sergio Morais Hechaavarria

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Referral was sent but we never got a response as to when I available. CCed is Mr. Hechavarria's attorney, and we would like to know when a bed becomes available. Thank you.

From: Glennie Chavez
Sent: Tuesday, August 19, 2025 4:51 PM
To: Tammy Singletary <tammy.singletary@westcare.com>; Amy Finley <a13103f@lvmpd.com>; Samiko Swonger <s9615s@lvmpd.com>
Cc: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>
Subject: Sergio Morais Hechaavarria

Please see above referral for Sergio Morais Hechaavarria, he is ready to go as soon as bed becomes available.

Glennie Chavez, LMSW

Social Worker

CLARK COUNTY PUBLIC DEFENDER'S OFFICE

P: (702) 455-██████ / F: (702) 383-2873

Glennie.chavez@clarkcountynv.gov

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EXHIBIT Q

From: Samiko Swonger
Sent: Tuesday, October 14, 2025 4:38 PM
To: Amy Anapolsky ; Amy Finley; ANGEL LASH; Courtney Martell;
Crystal.Acevedo@naphcare.com; Divinia Jackson; Dominique Carter;
EWimberly@naphcare.com; j.arabski@naphcare.com; Jlinares@naphcare.com; Josie
Bonomo; laquailor.burrell@naphcare.com; lina.hille@naphcare.com; NORMA GRIJALVA
Subject: Medication Order 10/14/25

Good Afternoon,

Please order medication for the inmate(s) listed below if required.

Name	ID	DATE OF TRANSPORT	RESPONSIBLE TRANSPORTER	MEDS CONFIRMATION
Morais-Hechavarria, Sergio	753	10/16/25 @ 0900	Westcare	Order 10/14

Samiko Swonger P# 9615
Detention Transition Services Coordinator
(702)671-

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EXHIBIT R

From: Samiko Swonger
Sent: Tuesday, October 14, 2025 6:35 PM
To: Aaron C White; akulkin; Alicia Davis ; Allison Alegria ; Amy Anapolsky ; Amy Finley; Andrew E. Davis ; Andrew J. Greenland ; Andy Villagomez; ANGEL LASH; Anntonette Seeland; Ashlee Bahr; Catherine Hill; Charles Head; Cheryl Hawkes ; Christopher Clifton ; Courtney Martell; Daniel B. Glenn ; DeJanique Williams; DENESE PARKER; Denise Eaton; Dennis Zeemer; Divinia Jackson; Dominique Carter; DSD Court Calendars; Elizabeth Adelman; Eric Chandler; Erin Friedl; Frank Reagan; Glennie Chavez; haguilar@dps.state.nv.us; Jackie Watmore; James June; Jamie Hatfield; Jazmin Bravo-Rosas; Jeanette Velazquez; Jeannifer Anderson; Jeffrey Alvarez; Jennifer Hughes ; Jenny Gratzke; Jeremy A. Geoffroy ; Jind@dps.state.nv.us ; Joann Celeste; Josie Bonomo; Julianne Stepanovsky; Julius Arias; Justin T. Toranzo ; Kelly Campbell ; Kevin A. Smyth ; Kevin Bonnell ; Kevin Glover; Kimberly Padio; Kimyatta Divinity; Kourtney Campbell ; Kyle Stewart; laquailor.burrell@naphcare.com; Lindsey Lee; Lisa Cole ; Lori Walton ; Mallory Triplett ; Maria Job; Marty Lefler; Melissa Bowman ; Michael VanDyke; Michelle Bruening; Nicol McNee; Nicole Christie; Nicole Pisarczyk; Patrick J. Quackenboss; Quentin J. O'Neal <qoneal@dps.state.nv.us>; Rebecca Reyes; Robert Banghart; Samantha Gowette; Schandler; Scott Brickey ; Sgt P Jordan ; Sharyne Suehiro; Sloane Livingston; Stacey Cramer; Stacy Ledesma ; Stephen Harvey ; Steven Maczka; Tamika Hawkins (TamHawkins@Wellpath.us); Tammy Singletary; Tara Chancellor; Taylor Johnson; Thomas L. Vernon; Tiffany Flournoy; Tina Canas-Brown
Subject: Pending Transport List 10/14/25

Good Afternoon,

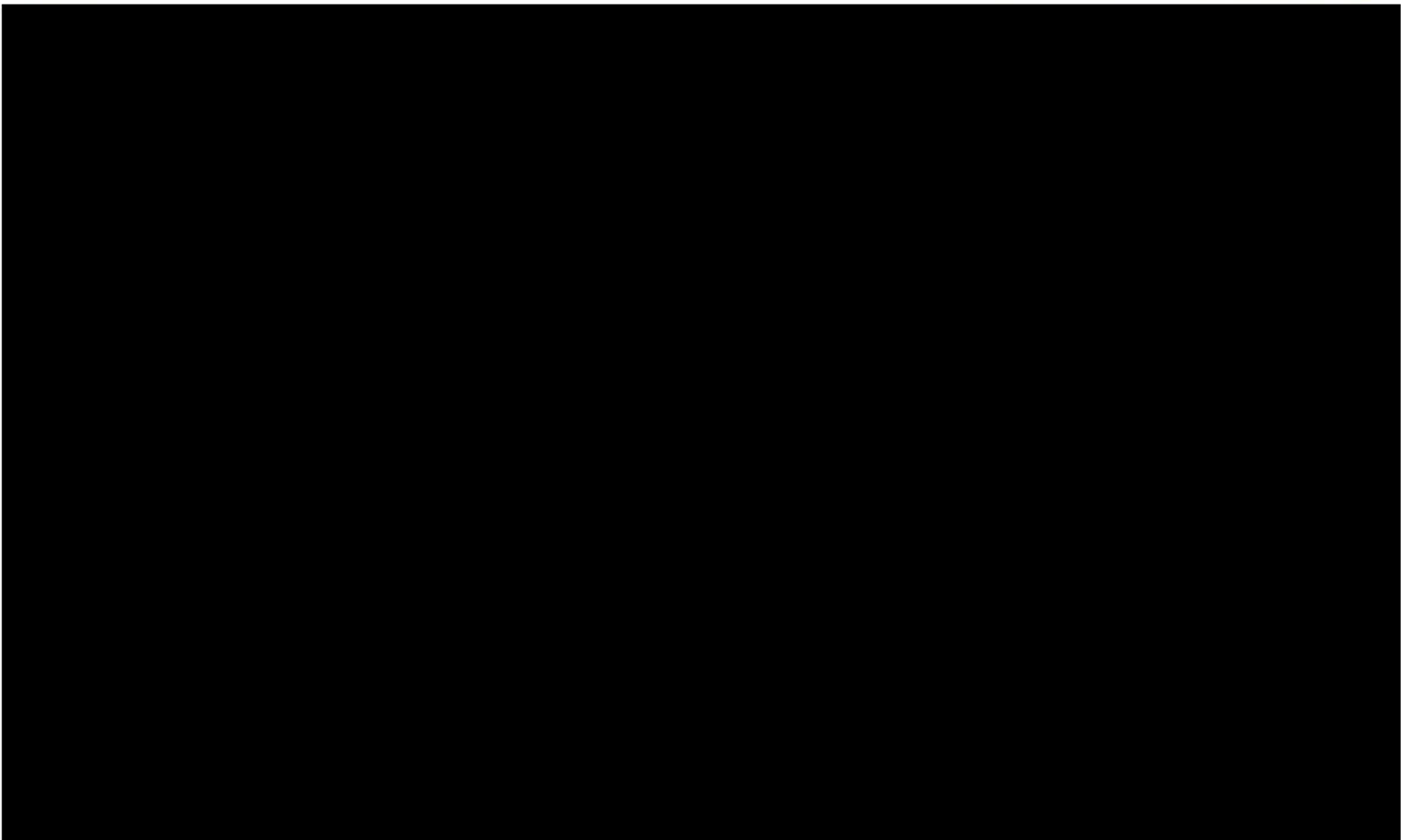
The below listed inmate(s) are pending transports; please review and confirm dates, times, and responsible transporting organization. If there are inmates, I failed to list or mistakenly altered the information please reply with the appropriate date and time. Additionally, please verify all medication requirements for the inmates listed below if this duty falls within your area of responsibility. Thank you for your time and have a great day.

Name	ID	DATE OF TRANSPORT	RESPONSIBLE TRANSPORTER	MEDS CONFIRMATION
[REDACTED]	[REDACTED]	[REDACTED] @ [REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]	[REDACTED] @ [REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED] @ [REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED] @ [REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
Morais-Hechavarria, Sergio	[REDACTED]753	10/16/25 @ 0900	Westcare	
[REDACTED]	[REDACTED]	[REDACTED] @ [REDACTED]	[REDACTED]	Order 10/14

[REDACTED]	[REDACTED]	[REDACTED]@ [REDACTED]	[REDACTED]	[REDACTED]
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Released Inmates

Name	ID	DATE OF TRANSPORT	RESPONSIBLE TRANSPORTER	MEDS CONFIRMATION
[REDACTED]				



Samiko Swonger P# 9615
Detention Transition Services Coordinator
(702)671-

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EXHIBIT S



Outlook

RE: ID# [REDACTED] 753 MORAIS-HECHAVARRIA, SERGIO

From Kelley, Matshabelly M <Matshabelly.M.Kelley@ice.dhs.gov>**Date** Thu 10/16/2025 7:08 AM**To** Nancy Urbina-Villanueva <N19473U@LVMPD.COM>; #ICE-ERO-Vegas-Cap Users <ICE-ERO-Vegas-CapUsers@ice.dhs.gov>**Cc** DSD Records Supervisors & Seniors <DSDRecordsSupervisors@LVMPD.COM>

You don't often get email from matshabelly.m.kelley@ice.dhs.gov. [Learn why this is important](#)

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Good morning,

We can pick up at 0700 with the rest.

Thank you,

Sent with BlackBerry Work
(www.blackberry.com)

From: Nancy Urbina-Villanueva <N19473U@LVMPD.COM>**Date:** Thursday, Oct 16, 2025 at 6:56 AM**To:** #ICE-ERO-Vegas-Cap Users <ice-ero-vegas-capusers@ice.dhs.gov>**Cc:** DSD Records Supervisors & Seniors <DSDRecordsSupervisors@LVMPD.COM>**Subject:** ID# [REDACTED] 753 MORAIS-HECHAVARRIA, SERGIO

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Hello,

The above subject has an Immigration Warrant I-205 and is being processed for release.

Please advise when you would like to arrange pick up.

Thank you,

Nancy Urbina-Villanueva P#19473

LEST DSD Records A PLT- W/HFS

Phone: (702) 671-[REDACTED]

Email: N19473U@LVMPD.COM



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AA222
653

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EXHIBIT T



Statement from Governor Lombardo on the Model Immigration Policies

CARSON CITY, NV – February 26, 2025

Today, Governor Joe Lombardo released the following statement on the Model Immigration Policies released by the Office of the Attorney General.

“The Model Immigration Policies released by the Office of the Attorney General are currently under review by the Executive Branch. All affected state agencies will continue to comply with – and enforce – all applicable law.

“As the Attorney General has conceded, and as the governing statutes make clear, the Model Immigration Policies are non-binding and non-mandatory guidelines.

“Let me be clear: The Attorney General does not have the authority to make Nevada a sanctuary state or jurisdiction. As long as I am Governor, Nevada will continue to follow federal law.”

###

Contact

Elizabeth Ray
Communications Director
press@gov.nv.gov

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[Lt. Governor](#)

[Secretary of State](#)

[Attorney General](#)

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus**COURT MINUTES****October 29, 2025**

A-25-930343-W Sergio Morais-Hechavarria, Plaintiff(s)
 vs.
 Las Vegas Metropolitan Police Department,
 Defendant(s)

October 29, 2025**2:40 PM****Minute Order****HEARD BY:** Wiese, Jerry A.**COURTROOM:** Chambers**COURT CLERK:**

Haly Pannullo

RECORDER:**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- The above-referenced matter was filed on 10/13/25 as a Petition for Writ of Mandamus, or in the alternative, Verified Petition for Writ of Habeas Corpus. The Civil Cover sheet filed with the Petition indicated that Civil Writ, and Writ of Mandamus were the case types. The case was randomly assigned to Dept. 11. It thereafter came to the attention of the Chief and Presiding Criminal Judge that this civil matter related to a criminal case C-25-392542-1, and consequently, in furtherance of the policy of the 8th Judicial District Court to keep civil writ cases assigned to the same department that handled the criminal matter, Judge Jones issued a Minute Order on 10/27/25 reassigning this matter from Dept. 11 to Dept. 21 (which handled the criminal matter). Civil writs are clearly a civil case type, and consequently, qualify for peremptory challenges under Supreme Court Rule 48.1. On 10/28/25, Petitioners filed a Peremptory Challenge of Judge Clark Newberry (Dept. 21), and the Clerk's Office thereafter administratively reassigned the case to Dept. 29. For consistency's sake, to avoid judge shopping, and pursuant to EDCR 1.30(16) as convenience and necessity requires, this Court now reassigns this matter back to Dept. 11. If the case is not going to be tied to the related criminal case, it should remain with the department to which it was originally randomly assigned. Consequently, this Court hereby Orders that this matter be reassigned back to Dept. 11.

PRINT DATE: 10/29/2025

Page 1 of 2

Minutes Date: October 29, 2025

AA227

CLERK'S NOTE: Copy of this minute order was electronically served via odyssey file and serve.
hvp/10/29/25

A-25-930343-W

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

November 04, 2025

A-25-930343-W Sergio Morais-Hechavarria, Plaintiff(s)
vs.
Las Vegas Metropolitan Police Department,
Defendant(s)

November 04, 2025 8:00 AM Minute Order

HEARD BY: Albertson, Anna **COURTROOM:** Phoenix Building 11th Floor
116

COURT CLERK: Kimberly Lienen

JOURNAL ENTRIES

- Because a Peremptory Challenge has been filed, this Department cannot hear this Petition on 11/6/25 and therefore VACATES the hearing.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Kimberly Lienen, to all registered parties for Odyssey File & Serve.// kl/ 11/04/2025

PRINT DATE: 11/04/2025

Page 1 of 1

Minutes Date: November 04, 2025

AA229

A-25-930343-W

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

November 10, 2025

A-25-930343-W Sergio Morais-Hechavarria, Plaintiff(s)
vs.
Las Vegas Metropolitan Police Department,
Defendant(s)

November 10, 2025 3:00 AM Minute Order

HEARD BY: Barisich, Veronica M.

COURTROOM: Chambers

COURT CLERK: Carolyn Jackson

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Petition is set to come before the Court on the November 18, 2025, calendar. In order to preserve public confidence in the independence, integrity, and impartiality of the judiciary, Department 5 shall recuse from this matter. The Judge has had prior conversations with law enforcement and members of the community, is unable to remain objective regarding the issue raised in the petition, and impartiality might reasonably be questioned. Nev. Sup. Ct. R. 2.11(A). Therefore, Department 5 shall RECUSE from this matter. COURT ORDERED case RANDOMLY REASSIGNED to another Department within the Eighth Judicial District Court. The hearing for November 18, 2025, is hereby VACATED and shall be reset by the newly assigned Department.

CLERK'S NOTE: This Minute Order was served by U.S. Mail and/or electronically served to all registered parties for Odyssey File & Serve. //cj 11/10/2025

PRINT DATE: 11/10/2025

Page 1 of 1

Minutes Date: November 10, 2025

AA230