
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 II OF II

Appeal from Eighth Judicial District Court, Clark County

Case No. A-25-930343-W

Hon. Monica Trujillo, District Judge

American Civil Liberties

Union of Nevada

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Respectfully submitted this 17th day of September, 2026.

By: /s/ Christopher Peterson

Christopher Peterson

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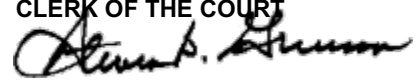
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CERTIFICATE OF SERVICE

I certify that on September 17, 2026, I electronically filed the foregoing Appellants' Appendix Volume II 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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1 **RPLY**

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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,

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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.: A-25-930343-W

Department: III

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

19 Petitioners, American Civil Liberties Union of Nevada (“ACLU of Nevada”) and Sergio
20 Morais-Hechavarria, hereby submit this Reply in Support of Petition for Writ of Mandamus or, in
21 the alternative, Petition for Writ of Habeas Corpus.

22 This Reply is supported by the following memorandum of points and authorities, the
23 pleadings and papers filed with this Court, any attached exhibits, and any oral argument the Court
24 may permit.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 There are two issues at the core of this case: (1) Can the Las Vegas Metropolitan Police
3 Department (“LVMPD”) and Sheriff McMahon (collectively “Respondents”) enter into an
4 agreement with the federal government to hold people in its detention center on administrative
5 warrants issued by U.S. Immigration and Customs Enforcement (“ICE”) at Nevada taxpayers’
6 expense, and (2) does Nevada law authorize LVMPD to detain people based on administrative
7 warrants issued by ICE? The answer to both these questions is no.

8 While LVMPD has intentionally tried to moot this case by abruptly deciding to release Mr.
9 Morais-Hechavarria to ICE the day after this litigation commenced after refusing to place him on
10 a transfer list for months due to an outstanding ICE warrant, this case is not moot and the relevant
11 facts are not in dispute. LVMPD admits it entered into a 287(g) agreement with ICE (“the
12 Agreement”). It does not dispute that the agency has agreed to hold people on ICE administrative
13 warrants for up to 48 hours and that LVMPD will not be reimbursed for any expenses associated
14 with those holds. LVMPD does not deny that over the last year alone ICE has requested holds for
15 hundreds of people detained at the Clark County Detention Center (“CCDC”). It admits that dozens
16 of LVMPD officers have already been assigned to carrying out this agreement.

17 This action is not preempted by federal law as 287(g) agreements are required to comport
18 with relevant state law, which LVMPD’s agreement does not. No other parties are needed for this
19 Court to give relief, and LVMPD has not explained how ICE, a federal agency, can be joined to
20 an action in state court under state law.

21 This Court can and must get to the substantive issues underlying this case. Hundreds, if not
22 thousands, of people will be harmed by LVMPD’s 287(g) agreement. This harm is imminent, and
23 LVMPD cannot be allowed to disregard Nevada law in carrying out the Agreement.
24

1 **I. ACLU of Nevada is a suitable party to bring suit under the public importance**
2 **doctrine.**

3 In the context of the public importance doctrine, "appropriateness has three main facets:
4 the plaintiff must not be a 'sham plaintiff' with no true adversity of interest; he or she must be
5 capable of competently advocating his or her position; and he or she may still be denied standing
6 if 'there is a plaintiff more directly affected by the challenged conduct in question who has or is
7 likely to bring suit,'" which ensures that the plaintiff will serve as a true and strong adversary. *Nev.*
8 *Pol'y. Rsch. Inst., Inc. v. Cannizzaro*, 507 P.3d 1203, 1210 (Nev. 2022); *see also Schwartz v.*
9 *Lopez*, 132 Nev. 732, 743, 382 P.3d 886, 894-95 (Nev. 2016) (clarifying that an appropriate party
10 "mean[s] that there is no one else in a better position who will likely bring an action and that the
11 plaintiff is capable of fully advocating his or her position in court"). As such, Respondents blatantly
12 misstate the standard for appropriateness under the public importance doctrine when they say that
13 only "a public actor with institutional responsibility when the dispute concerns the scope of local
14 law-enforcement authority" could bring suit. Resp'ts' Resp. to Pet. at 17: 4-7.

15 Under the actual standard, ACLU of Nevada is an appropriate party. Just like Nevada
16 Policy Research Institute, ACLU of Nevada is a nonprofit organization, and its mission is to
17 defend and advance the civil liberties, civil rights, and other fundamental human rights of
18 all Nevadans. As part of that mission, ACLU of Nevada has litigated and continues to litigate
19 numerous lawsuits related to ensuring government actors are transparent and acting within the
20 bounds of Nevada law with respect to immigration enforcement. Therefore, ACLU of Nevada is
21 not a "sham plaintiff." *See Cannizzaro*, 507 P.3d at 1210 (NPRI is a nonprofit corporation whose
22 primary missions are to conduct public policy research and advocate for policies that protect
23 individual liberties and promote transparency, accountability, and efficiency in government. NPRI
24 thus is not a 'sham plaintiff—its 'sincerity' in challenging the legislators' dual employment 'is
 unquestioned.'"). LVMPD has offered no evidence to the contrary – judging from the length of

1 their response, LVMPD seems to believe that the ACLU of Nevada very sincerely challenges the
2 Department's authority to detain people unlawfully. Additionally, as demonstrated in the legal
3 pleadings in this case, as well as other matters in Nevada state and federal courts, ACLU of Nevada
4 is capable of competently advocating for its position.

5 While Mr. Morais-Hechavarria filed the petition as a person directly impacted by
6 LVMPD's unlawful actions, the mere possibility that other individuals may have a more direct
7 interest in bringing a challenge to LVMPD's authority to enter into a 287(g) agreement does not
8 mean that ACLU of Nevada is an inappropriate party to do so. *See id* at 1210-1211 (citing *Trs.*
9 *for Alaska*, 736 P.2d at 330 ((holding "the mere possibility that the Attorney General may sue does
10 not mean that appellants are inappropriate plaintiffs" and stating "the crucial inquiry is whether
11 the more directly concerned potential plaintiff has sued or seems likely to sue in the
12 foreseeable future"))) (citing *Utah Chapter of Sierra Club*, 148 P.3d at 972-73 ((recognizing that
13 more than one party may be appropriate and a party is not required to have the greatest interest to
14 have standing))). This is particularly true here where no other person has or is likely to bring suit,
15 and LVMPD has taken actions to deliberately limit Mr. Morais-Hechavarria's participation in the
16 lawsuit by releasing him directly to ICE instead of transporting him to a treatment facility which
17 subsequently resulted in his removal from the United States within a matter of days to a country
18 in which he had never resided.

19 Considering that LVMPD does not dispute that this is a matter of public importance
20 involving the separation of powers, the ACLU has standing under the public importance doctrine
21 to challenge LVMPD's authority to enter into a 287(g) agreement to detain people on
22 administrative warrants issued by ICE.

23 **II. Mr. Morais-Hechavarria's release from LVMPD custody does not render the claims**
24 **moot.**

1 As a general rule, a controversy must be present through all stages of the proceeding, and
2 even though a case may present a live controversy at its beginning, subsequent events may render
3 the case moot. *Valdez-Jimenez v. Eighth Judicial Dist. Court of Nev.*, 136 Nev. 155, 460 P.3d 976
4 (2020). However, even where a case is moot, the Court may consider it if it involves a matter of
5 widespread importance that is capable of repetition, yet evading review. *Id.* at *158. Under such
6 circumstances, the party seeking to overcome mootness must prove that (1) the duration of the
7 challenged action is relatively short, (2) there is a likelihood that a similar issue will arise in the
8 future, and (3) the matter is important. *Id.*

9 All three factors are satisfied here, and the *Valdez-Jimenez* case is comparative. Petitioners
10 in *Valdez-Jimenez* challenged the Eighth Judicial Court's bail process as unconstitutional after
11 their motions to vacate or reduce their bonds were denied. *Id.* at *157. Petitioners filed a petition
12 for a writ of mandamus seeking relief, but by the time the case was heard by the Nevada Supreme
13 Court, both were released from custody. *Id.* The Nevada Supreme Court held that despite their
14 release, the case could proceed because the issues presented fell within the exception to the
15 mootness doctrine. *Id.* at *158. The Court held that all three factors mentioned above were met
16 because 1) given the time restraints inherent in criminal cases, most bail orders are short in duration
17 and the issues concerning bail and pretrial detention become moot once the case is resolved by
18 dismissal, guilty plea, or trial; 2) documents from other criminal cases in which defendants have
19 raised similar arguments before the justice court or district court about the process of setting bail
20 support the Petitioners' argument that the question presented is likely to arise in the future with
21 respect to the individuals who are similarly situated to the Petitioners; and 3) the issues presented
22 are of widespread importance, as they affect many arrestees and involve the constitutionality of
23 Nevada's bail system. *Id.* at *158-161.

1 Like bail orders, the duration of people being held by LVMPD pursuant to the Agreement
2 is short in nature. It is unlikely that those people could bring an individual habeas petition
3 challenging their unlawful detention and get a resolution before they are turned over to ICE
4 custody and, as in Mr. Morais-Hechavarria's case, deported out of the country. There is a
5 likelihood that a similar issue will arise in the future. Respondents signed the Agreement and
6 became legally obligated to perform the actions outlined within it, including holding people on
7 behalf of ICE. The key issue here- whether Respondents have the authority to enter into a 287(g)
8 agreement- is relevant to the many instances LVMPD will detain people for ICE in the future.
9 LVMPD's argument that Petitioners have not identified a "concrete likelihood that the same
10 unique confluence [...] will recur", Resp. at 15: 8-11, misstates the standard. The issues do not
11 have to be identical but rather similar. *See Valdez-Jimenez*, 136 Nev. at 160 ("the second factor of
12 the mootness exception requires that the question presented is likely to arise in the future with
13 respect to the complaining party or individuals who are *similarly* situated to the complainant.")
14 (emphasis added). Additionally, just like in *Valdez-Jimenez*, Respondents' authority to hold people
15 in detention on behalf of ICE has been challenged in criminal cases by defense attorneys on behalf
16 of their clients, *see e.g. State v. Poole*, No. 19-F-08292X (Las Vegas Just. Ct. Clark Cnty., Nev.
17 filed July 2, 2025), which is a clear indication that Mr. Morais-Hechavarria's case is not an isolated
18 incident. Finally, the issues presented in this case are of widespread importance because they
19 impact many immigrant detainees and involve statutory and constitutional questions under Nevada
20 law. *See Valdez-Jimenez*, 136 Nev. at 160; *see also Johnston v. Eighth Judicial Dist. Court of Nev.*,
21 518 P.3d 94, 100 (Nev. 2022) ("Pretrial detention and the parameters of house arrest affect many
22 arrestees, and these issues touch on the constitutionality of Nevada's bail and pretrial release
23 regime.").
24

1 The widespread importance of the matter is further exasperated by Respondents' own
2 actions in this case- the transfer of Mr. Morais-Hechavarria to ICE custody rather than inpatient
3 treatment immediately after the Petition was filed- which created the circumstances Respondents
4 now rely upon to argue that the case should be dismissed as moot.

5 **III. LVMPD has not identified a Nevada law authorizing the Department to enter into an**
6 **agreement with the federal government to detain people who are not prisoners or to**
7 **detain people without reimbursements for costs.**

8 Pursuant to Dillon's Rule under Nevada law, local government entities have no power or
9 authority except that which is expressly prescribed by the Legislature. *See Ronnow v. Las Vegas*,
10 57 Nev. 332, 342-43, 65 P.2d 133, 136 (1937) (applying Dillon's Rule to municipal corporations);
11 *Flores v. Las Vegas Clark Cty Library Dist.*, 134 Nev. 827, 833 n.7, 432 P.3d 173, 178 (2018)
12 (noting application of Dillon's Rule to local government). Respondents have not provided any
13 Nevada law that authorizes them to execute a 287(g) agreement with ICE, whether explicitly or
14 implicitly, to detain non-prisoners in a county jail without reimbursement.¹ Respondents are wrong
15 to suggest that the Nevada Legislature needs to expressly prohibited these types of agreements,
16 Resp. at 24: 25-26, as that is the exact opposite of Dillon's Rule. As Petitioners observed before,
17 the Nevada Legislature has delineated when the sheriff can enter into contracts with the federal
18 government, Opening Br. at 15: 5-16, yet it did not grant them the authority to enter into 287(g)
19 agreements. Similarly, no Nevada statute authorizes Respondents to enter into a contract to engage
20 in the actions outlined in the Agreement- holding people on behalf of the federal government,

21
22 ¹ Rather than responding directly to the issue at hand concerning their authority to enter into the
23 Agreement, Respondents argue that their actions under Policy 4.166 "to manage jail releases and
24 to coordinate orderly, on-release custodial transfers to other agencies" is authorized under
Nevada's Interlocal Cooperation Act. However, even if this was relevant to the issues raised in the
Petition, Respondents fail to appreciate that Nevada's Interlocal Cooperation Act still requires that
the public agency have authority under Nevada law to perform such actions. *See* NRS 277.180.

1 conducting civil arrests, and executing administrative warrants i.e. civil warrants signed by
2 executive employees rather than a judge.

3
4 **IV. LVMPD did not act pursuant to Policy 4.166 when it continued to hold Mr. Morais-Hechavarria in its custody.**

5 Respondents argue that Petitioners cannot challenge the Agreement, even if it is unlawful
6 under Nevada law, because it was not "operational" when they detained Mr. Morais Hechavarria
7 for nearly two months after a Nevada District Court judge ordered his release to a treatment facility
8 and it acted entirely under Policy 4.166.² Resp at 16: 1-11. Respondents claim that it did not hold
9 Mr. Morais-Hechavarria for ICE, only in criminal custody until a bed became available at the
10 treatment facility, and there was a "federally supervised transfer at the release boundary" with ICE
11 just as he was being processed for release to be transported to treatment. Resp. at 2:13-16, 4:7-9.
12 This effort to avoid the merits of the Petition is a red herring since the issue in this matter was ripe
13 once LVMPD signed the Agreement as the ACLU of Nevada still has standing to raise this
14 challenge. LVMPD's version of Mr. Morais-Hechavarria's detention is also unsupported by
15 Respondents' exhibits and directly contradicts representations made in the Respondents' response.

16
17 **A. The Agreement went into effect the day ICE and the sheriff affixed their signatures.**

18 LVMPD does not dispute Sheriff McMahon, on behalf of LVMPD, signed the Agreement
19 on May 31, 2025, and an ICE official signed it on June 16, 2025. Opening Br. Ex. 1. Once both
20 parties signed the Agreement, it was fully executed. Petitioners do not have to wait until
21 Respondents "exercise their authority" under the Agreement to challenge their unlawful action of
22

23 ² As discussed *infra*, documents provided by LVMPD do not support its contention that it was
24 acting pursuant to Policy 4.166, but even so, the provisions within the policy of reporting anyone
who is "foreign born" to ICE involve unequal treatment of individuals based on their national
origin which implicate separate constitutional issues.

1 entering into the Agreement in the first place. This is true even if, as LVMPD wrongly argues,
2 LVMPD was acting pursuant to Policy 4.166 when it continued to hold Mr. Morais-Hechavarria
3 in its custody, because ACLU of Nevada has public importance standing under NPRI as discussed
4 *supra* Part I.

5 **B. LVMPD held Mr. Morais-Hechavarria for two months, refusing to place him**
6 **on a transfer list, due to his ICE warrant.**

7 Respondents' own documents show that LVMPD was holding Mr. Morais Hechavarria on
8 an ICE warrant, not because a bed was unavailable at a treatment facility. Respondents received
9 an ICE detainer and an administrative warrant for Mr. Morais-Hechavarria. *See* Resp. Ex. I and J.
10 On August 19, 2025, a social worker for the Clark County Public Defender's office emailed CCDC
11 stating that Mr. Morais-Hechavarria was ready to be transported to an inpatient treatment facility
12 as soon as a bed became available. Opening Br. Ex. 5. An employee at CCDC responded that they
13 will not transfer him *because of the ICE warrant. Id.* As such, he was not put on the wait list for a
14 bed. CCDC refused to place Mr. Morais-Hechavarria on the transfer list a second time when the
15 treatment facility, Westcare, contacted CCDC on August 21, 2025, asking when Mr. Morais-
16 Hechavarria would be transferred. Exhibit 1. CCDC said to Westcare that Mr. Morais-Hechavarria
17 would not be placed on the transfer list expressly because of the ICE warrant. *Id.* After CCDC
18 continued to refuse to release him to be transported to an inpatient treatment facility, Petitioners
19 filed the Petition on October 13, 2025. Only after this Petition was filed did LVMPD abruptly
20 decide to place Morais-Hechavarria on the transfer list.

21 While Respondents frame Mr. Morais-Hechavarria's detention as normal course of
22 business for LVMPD, suggesting that Mr. Morais-Hechavarria was transferred as soon as a bed
23 became available and ICE just so happened to be present when that transfer occurred, LVMPD
24 unlawfully held Mr. Morais-Hechavarria for an additional two months, intentionally refusing to

1 place him on a transfer list because the Department was honoring an administrative warrant issued
2 by ICE.

3 **V. Respondent errs in suggesting LVMPD can claim federal exemption from state law**
4 **or that the INA preempts this action.**

5 Respondents argue that LVMPD's actions under the 287(g) agreement cannot be
6 challenged under state law because LVMPD personnel act as "de facto immigration officers" under
7 8 U.S.C. § 1357(g)(10)(B), and "for all practical purposes, the provisions of the INA that enable
8 ICE agents to enforce immigration law apply with equal force to LVMPD." Resp. at 22: 1-13.
9 Respondents' presumption is wrong for two reasons. First, LVMPD cannot be considered a federal
10 actor under the 287(g) agreement if the agreement itself is invalid, which is precisely the point of
11 the Petition. Sheriff McMahon's signing of the agreement occurred *before* he or other LVMPD
12 personnel could begin taking direction from that federal agency. Second, the INA expressly does
13 not preempt state law; the plain language states that the federal government may only enter into a
14 287(g) agreement with local government entity "to the extent consistent with state and local law."
15 *See* 8 U.S.C. § 1357(g)(1).

16 The law is not so Kafkaesque that LVMPD can sign a 287(g) agreement that the
17 Department was never authorized to sign under state law and then use that same agreement to
18 avoid a determination as to whether the Department could sign it in the first place.

19 **VI. Petitioners' claims are not otherwise preempted by federal law.**

20 Immigration enforcement is exclusively a federal power, and under the Tenth Amendment
21 it cannot be commanded on States' officers, including those of their political subdivisions. *See*
22 *Printz v. United States*, 521 U. S. 898, 935, 117 S. Ct. 2365, 138 L. Ed. 2d 914 (1997) (holding
23 that the Federal Government may not compel state officers to enforce federal law). Nonetheless,
24 Respondents' wrongly claim that if Nevada law prohibited them from entering into the Agreement,
such authority would be preempted because it would be an "obstacle" to Congress' intent of

1 enhancing cooperation between federal and local law enforcement in enforcing immigration law.
2 Resp. at 28:18-26, 29:1-2. This would not only violate the Tenth Amendment, but it is contrary to
3 the provision enacted by Congress within the INA which states: “Nothing in this subsection shall
4 be construed to require any State or political subdivision of a State to enter into an agreement with
5 the Attorney General under this subsection.” See 8 U.S.C. § 1357(g)(9).

6
7 **VII. The Petition does not request that this Court “negate” any ICE warrants, only to
determine that LVMPD cannot enforce such warrants under state law.**

8 To the extent that Respondents argue that Petitioners seek to “negate” an administrative
9 warrant issued by ICE, Respondents are wrong. Resp. at 13:1-3. Nothing in Petitioners’ writ will
10 make an ICE warrant cease to exist. Rather, Petitioners’ writ only seeks to bar LVMPD from
11 enforcing administrative warrants issued by ICE; this Court would not be the first state court to
12 ban state actors from enforcing ICE warrants under their respective state laws. See *Lunn v.*
13 *Commonwealth*, 477 Mass. 517, 78 N.E.3d 1143, 1154 (Mass. 2017) (holding that Massachusetts
14 court officers do not have the authority to arrest someone at the request of Federal immigration
15 authorities, pursuant to a civil immigration detainer, and hold them beyond the time that they were
16 to be entitled to be released from State custody); *People ex rel. Wells v. DeMarco*, 2018 NY Slip
17 Op 07740, 168 A.D.3d 31, 88 N.Y.S.3d 518 (App. Div.) (holding that the Petitioner was entitled
18 to a writ of habeas corpus following his arrest by a county sheriff based on an ICE administrative
19 because the sheriff lacked New York authority to effectuate a criminal arrest pursuant to the ICE
20 warrant, which was civil in nature and not issued by a judge or a court); *Cisneros v. Elder*, 2018
21 Colo. Dist. LEXIS 3388 (holding that the sheriff does not have legal authority under Colorado law
22 to detain people pursuant to ICE administrative warrants and detainers); *Nash v. Mikesell*, 2024
23 COA 68, 557 P.3d 369 (holding that a 287(g) agreement must comply with Colorado statutory law
24 and under Colorado law, sheriffs are prohibited from arresting individuals on the basis of civil

1 immigration detainees). ICE may continue to issue and enforce its own warrants as authorized
2 under federal law, but federal law does not require any state actor or court to assist in that process.

3 **VIII. ICE is not a necessary party.**

4 Respondents claim ICE is a necessary party, but fail to cite to the standard provided under
5 Nevada law. NRCP 19(a)(1) provides the standard for who is considered a necessary party under
6 Nevada law, requiring joinder if it will not deprive the court of subject-matter jurisdiction and:

7 (A) in that person's absence, the court cannot accord complete relief among existing
8 parties; or

9 (B) that person claims an interest relating to the subject of the action and is so
situated that disposing of the action in the person's absence may:

10 (i) as a practical matter impair or impede the person's ability to protect the
11 interest; or

12 (ii) leave an existing party subject to substantial risk of incurring double,
multiple, or otherwise inconsistent obligations because of the interest.

13 Notably, NRCP 19(a)(1) does not state, or even infer, that every party to every legal agreement is
14 automatically a necessary party. In this case, it is clear that NRCP 19(a)(1) does not apply. No
15 current party, not LVMPD, ACLU of Nevada, nor Mr. Morais-Hechavarria need ICE's input to
16 determine whether LVMPD has the legal authority under Nevada law to enter into a 287(g)
17 agreement and all relief sought can be obtained from Respondents without ICE. As for NRCP
18 19(a)(1)(B), LVMPD does not clearly define the interest that ICE has in the Agreement that
19 violates Nevada state law and so contravenes federal law, and nothing in NRCP 19(a)(1)(B)
20 indicates that LVMPD can assert ICE's claims for it, and ICE has not sought to intervene.

21 Even if this Court determined that ICE was a necessary party as defined under NRCP
22 19(a)(1), the Court would not be required to dismiss this action. Petitioners' action is brought
23 pursuant to state law, which only LVMPD, not ICE, is subject to; as such, it is not feasible for
24 Petitioners to join ICE as a respondent. *See County of Stanislaus v. Pacific Gas & Elec. Co.*, 114

1 F.3d 858, 863 (9th Cir. 1997) (determining that the federal agencies are immune to state law claims
2 pursuant to the Supremacy Clause of the United States Constitution); *Jamul Action Comm. v.*
3 *Simermeyer*, 974 F.3d 984, 998 (9th Cir. 2020) (determining that joinder is infeasible when the
4 party is immune to suit).

5 If ICE is a necessary party, but it is not feasible to join ICE, NRCP 19(b) applies, which
6 states that “[i]f a person who is required to be joined if feasible cannot be joined, the court must
7 determine whether, in equity and good conscience, the action should proceed among the existing
8 parties or should be dismissed.” According to the factors provided by NRCP 19(b), this action
9 should proceed as all factors favor Petitioners. First, a judgment rendered in ICE’s absence would
10 not prejudice that agency – LVMPD is better equipped to defend its authority under Nevada state
11 law than ICE. Nor does a judgement interfere with ICE’s own enforcement efforts because, as
12 LVMPD has represented in its briefing, ICE can simply be present when LVMPD releases person
13 of interest from CCDC. Resp. at 2:13-18, 26:7-11. Second, a judgment rendered in ICE’s absence
14 would be adequate as a Court order banning LVMPD from entering into a 287(g) agreement would
15 be sufficient to provide complete relief. By comparison, Petitioners would not have an adequate
16 remedy if this action was dismissed – LVMPD would continue to violate state law with impunity,
17 and as state law would never apply to ICE, there would be no way to rectify LVMPD’s unlawful
18 actions.

19 **IX. Conclusion**

20 For the foregoing reasons, the Court should grant Petitioners’ Petition for a Writ of
21 Mandamus or, in the alternative, Petition for Writ of Habeas Corpus.

1 Dated this 19th day of November, 2025.

2 **AMERICAN CIVIL LIBERTIES**
3 **UNION OF NEVADA**

4 

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CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2025, I electronically filed the foregoing **REPLY IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS OR, IN THE ALTERNATIVE, VERIFIED PETITION FOR WRIT OF HABEAS CORPUS**, with the Eighth Judicial District Court using the e-filing system. Participants in the case who are registered with this Court's electronic filing system will receive notice that the document has been filed and is available on the court's electronic filing system. To my knowledge, all parties in this matter are registered with this Court's electronic filing system.



An employee of the ACLU of Nevada

EXHIBIT 1

From: [Nicole Weis](#)
To: [Sadmira Ramic](#)
Subject: Fw: [EXTERNAL] FW: Sergio Morais Hechaavarria
Date: Friday, November 7, 2025 11:03:56 AM

This Message Is From an External Sender

This message came from outside your organization.

From: Samiko Swonger <S9615S@LVMPD.COM>
Sent: Thursday, August 21, 2025 2:15 PM
To: Tammy Singletary <tammy.singletary@westcare.com>; Glennie Chavez <Glennie.Chavez@ClarkCountyNV.gov>; gardis.canty <gardis.canty@westcare.com>
Cc: Nicole Weis <Nicole.Weis@ClarkCountyNV.gov>; Amy Finley <a13103f@LVMPD.COM>
Subject: RE: [EXTERNAL] FW: Sergio Morais Hechaavarria

He will not be able to go to treatment. He has a warrant so his county charges have to be satisfied before he can be released to ICE.

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

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.**

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

CAUTION: This email originated from outside of WestCare. DO NOT click links or open attachments unless you were expecting the email, recognize the sender, and know the content is safe.

AA247

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

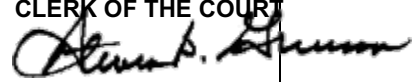
Social Worker

Clark County Public Defender's Office

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

Glennie.chavez@clarkcountynv.gov

-- CONFIDENTIALITY NOTICE: This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. This communication may contain material protected by HIPAA legislation (45 CFR, Parts 160 & 164) or by 42 CFR Part 2. If you are not the intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you have received this email in error, please notify the sender by reply email and destroy all copies of the original message. [?]



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

SERGIO MORAIS-HECHAVARRIA,	)	CASE NO.: A-25-930343-W
	)	
Plaintiff(s),	)	DEPT. III
	)	
vs.	)	
	)	
LAS VEGAS METROPOLITAN	)	
POLICE DEPARTMENT,	)	
	)	
Defendant(s).	)	

BEFORE THE HONORABLE MONICA TRUJILLO,
DISTRICT COURT JUDGE

WEDNESDAY, NOVEMBER 26, 2025

**RECORDER'S TRANSCRIPT OF HEARING RE:
PETITION FOR WRIT OF MANDAMUS**

APPEARANCES:

For the Plaintiff:	SADMIRA RAMIC, ESQ.
	CHRISTOPHER PETERSON, ESQ.

For the Defendant:	ALEXANDER L. FUGAZZI, ESQ.
	ALEXIS R. WENDL, ESQ.

RECORDED BY: GRECIA SNOW, COURT RECORDER

1 Las Vegas, Nevada; Wednesday, November 26, 2025

2

3 [Proceeding commenced at 10:38 a.m.]

4 THE COURT: Case number A-25-930343-W, Sergio
5 Morais-Hechavarria vs. Las Vegas Metropolitan Police
6 Department.

7 On behalf of Petitioners?

8 MS. RAMIC: Good morning, Your Honor. Sadmira
9 Ramic on behalf of Petitioners, bar number 15984.

10 MR. PETERSON: Chris Peterson on behalf of
11 Petitioners, bar number 13932. Mr. Athar Haseebullah will
12 be sitting at counsel table, but he is as a client today
13 because he's an executive director for ACLU of Nevada.

14 THE COURT: Okay. On behalf of Respondents?

15 MR. FUGAZZI: Good morning, Your Honor. Alex
16 Fugazzi, and with me is my colleague, Alexis Wendl, on
17 behalf of Las Vegas Metropolitan Police Department and
18 Sheriff Kevin McMahon.

19 THE COURT: All right. Thank you. And we are on
20 for the Petition for Writ of Mandamus or in the
21 Alternative Verified Petition for Writ of Habeas Corpus.

22 The Court has reviewed that petition, the opening
23 brief, the respondent's response to the petition, as well
24 as the reply in support of the petition. And the Court
25 would like to begin with the threshold question of

1 standing.

2 Who's going to be arguing on behalf of the ACLU?

3 MS. RAMIC: Oh, I will be, Your Honor.

4 THE COURT: Alrighty. So my first question to
5 you with regard to standing. Considering what the Nevada
6 Supreme Court has -- sorry, I'm just --

7 MS. RAMIC: It's all right.

8 THE COURT: -- don't want interruptions.

9 [Pause in the proceeding]

10 THE COURT: Everything all right? Everything all
11 right out there?

12 THE MARSHAL: Yeah, we're [indiscernible].

13 THE COURT: Oh, okay.

14 Considering what the Nevada Supreme Court has
15 said in *Schwartz* as far as the public importance
16 exceptions, which is what you're claiming you have
17 standing under, and under that case it limited to
18 constitutional challenges to legislative expenditures
19 appropriation and considering that *NPRI vs. Cannizzaro*
20 extended that very limited to cases involving challenges
21 to the separation of powers clause, can you specifically
22 articulate how you fall into those categories?

23 MS. RAMIC: I can, Your Honor. And the
24 Petitioner ACLU of Nevada, this is a classic case for the
25 public importance doctrine.

1 The key -- as you had indicated, this was
2 expanded under *NPRI*. And the key question there where, is
3 this a separation of powers issue that has arisen, is this
4 a matter of public importance? And both -- the answer to
5 both those questions is there are.

6 So in terms of the separation of powers issue,
7 here, the concern is whether LVMPD, which is an executive
8 branch entity, can assert the authority of the Nevada
9 legislature, which is a legislative branch, in terms of
10 their authority to enter into the 287(g) agreement.

11 So it's a classic case in terms of looking at who
12 are the parties in play? Here, you have the executive and
13 the legislative, whether or not this concerns the
14 legislative branch's power to grant them the authority
15 under the Dillon's Rule to be able to do this.

16 And looking at ACLU of Nevada, really, they're
17 equivalent to *NPRI* if you look at it from the matter in
18 the immigration context as well as looking into the
19 authority of LVMPD. If you look at the fact that they
20 don't challenge -- the respondents don't challenge the
21 fact that this is a separation of power issue that is a
22 matter of importance.

23 They simply claim here that the ACLU of Nevada is
24 not an appropriate party to bring the lawsuit. But they
25 are an appropriate party.

1 Looking at *NPRI*, Your Honor, they have outlined
2 three specific factors when looking into appropriateness.
3 One is the plaintiff must not be a sham plaintiff with no
4 true adversity of interest. Two, he or she must be
5 capable of completely advocating his or her position. And
6 three, he or she may still be denied standing if there is
7 a plaintiff more directly affected by the challenged
8 conduct in question who has or is likely to bring suit.

9 And as we have indicated, Mr. Haseebullah's
10 declaration, the ACLU of Nevada does engage in this type
11 of work in terms of immigration as well as government
12 accountability.

13 They do have an interest in this case. The
14 pleadings themselves articulate that they're more than
15 capable of arguing on their behalf on this issue
16 particularly.

17 And there is nothing that indicates that simply
18 because someone else can bring a challenge to this lawsuit
19 does not mean that the ACLU of Nevada is not the
20 appropriate party to do so.

21 Here, I think there's a classic example. You
22 have particularly here, in terms of the ACLU of Nevada, we
23 have -- they have the particular interest as we have
24 articulated. They have -- the LVMPD and the respondents
25 have taken active steps to limit Mr. Morais-Hechavarria's

1 participation in this lawsuit by after two days after this
2 lawsuit was filed, transferring him over to ICE, him being
3 deported out of the country, and then using that argument
4 to claim that the issue cannot be heard here.

5 So looking into *NPRI* and what the Court -- Nevada
6 Supreme Court had outlined on that case, the ACLU of
7 Nevada would be an appropriate party and all the other
8 factors are met as well.

9 THE COURT: Okay. So just to be clear, you're --
10 even though Nevada law does provide and allow Metro to
11 enter into cooperation agreements under NRS 277, it's your
12 position that they are essentially enacting their own laws
13 that the legislative should have written versus them?

14 MS. RAMIC: No, Your Honor. So under the
15 Dillon's Rule, the Nevada legislature does have to give
16 them the authority. The respondents have not pointed to a
17 Nevada law that authorizes them to do this.

18 In relation to that specific statute, that
19 relates to them being able to enter into agreements, but
20 that specific statute specifically states that it still
21 has to be something they're authorized to do so under
22 Nevada law. Otherwise, if that was simply a broad power
23 to be able to do this in the first place, you would not
24 have other statutes, for example, NRS 211.060, which
25 outlines when a local entity can contract with a federal

1 government.

2 THE COURT: Okay. Thank you.

3 On behalf of Respondents on that issue. And
4 we'll come back to the other issue.

5 MS. RAMIC: Yes.

6 MR. FUGAZZI: Yes, Your Honor.

7 The threshold issue for the -- this really is an
8 exception to standing, right? I mean, normally standing
9 requires an actual personal injury to a party.

10 So the public importance exception, all of the
11 cases that both parties cite, whether it's *Schwartz* case,
12 whether it's the *NPRI* case, I'll start with the
13 proposition that it's a very narrow exception. And there
14 are three requirements, all three have to be met.

15 And the second requirement here simply is not
16 met. The second requirement, you can pick any of the
17 case, you can pick *Schwartz*, you can pick *NPRI*, but the
18 second requirement requires the legislature to have used
19 tax payer money. It is a challenge to the legislative
20 expenditures on the basis that it violates a specific
21 provision of the Nevada Constitution. That's a
22 requirement.

23 There's no allegation here of legislative --
24 legislative expenditures in any way whatsoever. There's
25 an argument that the Metropolitan Police Department, if

1 this 287(g) agreement goes into action, is requiring
2 expenditures by Metro.

3 But there's no allegation that the legislature
4 has authorized expenditures. Even the *NPRI* case, which is
5 the issue -- this is reading directly from the *NPRI* case
6 that I think the Court said narrowly expanded this ruling.
7 And even the *NPRI* case articulates separation of powers
8 clause is an issue of public importance. The legislature
9 appropriated funds that paid legislatures a daily salary
10 and per diem allowance while the legislature was in
11 session. That was key to the *NPRI* case. And that's at
12 page 1207 of the opinion itself.

13 Similarly in *Schwartz*, *Schwartz* identifies the
14 three factors, the second of which is the case must
15 involve a challenge to a legislative expenditure or
16 appropriation on the basis that it violates a specific
17 provision of the Nevada Constitution.

18 The fact that that element is not met here, alone
19 is enough to make this not fit within the context of the
20 public importance exception.

21 And I want to make sure I'm just answering your
22 question because I know you're keeping us focused on that.
23 But I think that answers your question, Your Honor.

24 THE COURT: Okay. And any reply to that?

25 MS. RAMIC: Just briefly, Your Honor.

1 If -- in looking at articulating those specific
2 factors that was just highlighted, and I think *NPRI* is the
3 case that we focus on here is because it did expand the
4 public importance doctrine. The issue here is not the
5 question of the expenditure but the separation of powers
6 clause, which we have articulated executive versus
7 legislative branch.

8 If we were to take Respondent's arguments, no one
9 would ever have standing to challenge their unlawful
10 actions.

11 Are you really looking at no one is likely to
12 bring a challenge under agreement. You're talking about a
13 48 hour hold. If the stars magically aligned for these
14 people to file a petition, hire someone, file the
15 petition, get through the proceedings, and to get a
16 ruling, likely we would not get to the essential issue
17 here being the agreement, and they're unlawfully entering
18 the agreement.

19 [Pause in the proceeding]

20 THE COURT: Did you want to add something?

21 MS. RAMIC: Yes, Your Honor. And under *NPRI*, we
22 had just pulled it up, there is a specific section that
23 says that the constitutional challenge at issue here does
24 not involve an expenditure or appropriation.

25 THE COURT: Oh, no, it was a separation of

1 powers. I think that's pretty clear.

2 MS. RAMIC: Correct, Your Honor.

3 THE COURT: Okay. So I'm going to move on.
4 Unless anyone else has anything to add with regard to
5 standing, I'd like to move on to the mootness issue.

6 MR. FUGAZZI: Your Honor, very briefly.

7 THE COURT: Go ahead.

8 MR. FUGAZZI: The argument was made just their
9 first time reply that no one could challenge an
10 expenditure. That's just wrong. Under Nevada law, NRS
11 280.130 requires the appointment of a fiscal affairs
12 committee. It's consisting of two Las Vegas City Council
13 people, two county commissioners, and a fifth at-large
14 member of the citizenry. And 280.190 authorizes that
15 group to approve an annual operating budget for the
16 department. That would be the group that would challenge
17 any expenditure of monies, Your Honor.

18 THE COURT: So I want to move on to the question
19 of mootness. And obviously, I know it's ACLU's position
20 that this matter is not moot. And I think there's been
21 some discussion about the exception. So I want to focus
22 on the exception, which deals with the matter of
23 widespread importance that are capable of repetition yet
24 evading review.

25 Specifically, I want to focus on the portion

1 which *Valdez-Jimenez*, I think, addresses a lot, the fact
2 that, obviously, under similar circumstances, this can
3 occur, not necessarily the same complainant, Under
4 Nevada. It doesn't have to be the same exact complainant.

5 However, in your declaration by your director, it
6 indicated there was 957 requests from ICE to detain people
7 on its behalf for the year 2025. And it says, which is
8 directly related to the impact of the 287(g) agreements.

9 Obviously, considering that I've read all of the
10 exhibits and on Respondent's behalf, they indicated it was
11 not under the 287(g) agreements, how do you parse out or
12 show the Court, have some support like *Valdez-Jimenez*
13 requires, that it's subject to reoccur in this particular
14 fact pattern?

15 MS. RAMIC: Yes, Your Honor, and I would like to
16 take it in two pieces if I may.

17 THE COURT: Sure.

18 MS. RAMIC: One, in relation to their claim that
19 they were not acting pursuant to the 287(g) agreement, I
20 think there's two important things to note under that
21 portion. One is that whether or not they were holding
22 Mr. Morais-Hechavarria pursuant to the 287(g) agreement,
23 that does not stop -- prevent the ACLU from bringing an
24 action against their unlawfully entering the agreement.

25 They don't dispute the fact that this agreement

1 does exist. They have signed it. They don't dispute that
2 they will not be holding people pursuant to this
3 agreement. So I think that issue in and of itself allows
4 us to get into agreement.

5 But if we look at the documents and the
6 information that they have provided within their response
7 and that we have provided within our exhibits, it simply
8 does not support what they are claiming in terms of that
9 they were acting pursuant to policy 4.166.

10 If you look at the emails provided on both sides,
11 every person that reached out to LVMPD asking them, when
12 will Mr. Morais-Hechavarria be released to inpatient
13 treatment? LVMPD responded that he will not be
14 transported to inpatient treatment because he has an ICE
15 warrant.

16 And by their own claims, policy 4.166 does not
17 permit them to hold people. And so they have made that
18 representation to when the social worker from the Public
19 Defender's Office reached out. They said, no, he won't be
20 transported. He has an ICE warrant.

21 When they reached out to the Court concerning his
22 criminal case, they indicated that he has an ICE warrant,
23 so he won't be transported to inpatient treatment. And
24 when WestCare, the actual treatment facility, reached out
25 to them, they indicated he will not be transported to

1 inpatient treatment because he has a warrant. So their
2 own documents will support that.

3 Additionally, they did not put him on the wait
4 list, which is the typical practice, until almost two
5 months after the Court issued the order for him to be
6 transported, and it was a couple of days after his
7 position was filed.

8 So I think those two main points in relation to
9 their claims that they were not acting pursuant to their
10 agreement are important to highlight.

11 And the likelihood of repetition, I think this
12 case follows exactly the factors that were outlined in
13 *Valdez-Jimenez*.

14 In addition to the documents you had alluded to,
15 Your Honor, in terms of that they had received hundreds of
16 ICE warrants and detainers from ICE, the Court there
17 looked at, has anybody else challenged this in their
18 criminal case? And that's what persuaded the Court to say
19 that the factor was met because you had other people
20 bringing the issue of bail in their cases.

21 And the same thing as here. There are other
22 people that have raised this in their criminal case and
23 didn't get to the actual issue, and I think really why the
24 public importance doctrine is even more important in these
25 instances.

1 THE COURT: Right. But with regard to those
2 cases, *Valdez-Jimenez* specifically said in the opinion
3 that petitioners have provided documents from other
4 criminal cases in which defendants have raised similar
5 arguments before the justice or district court about the
6 process of setting bail. So that's why I'm asking. I
7 don't feel like I have that before me. I have the
8 declaration that indicates the amount of people, not
9 necessarily under 287 if I'm considering the declaration
10 from Respondents.

11 And then secondly, with regard to the emails that
12 are attached as your Exhibit 5, it's not really clear when
13 was the bed actually available? It doesn't actually say.
14 I mean, they go from August to October. Obviously,
15 there's a lapse in time, which is not abnormal in the
16 criminal justice system. But I just see that he was
17 placed or added to the release list 10/14 and then
18 scheduled for release of 16. It doesn't actually say when
19 the bed was available.

20 MS. RAMIC: In terms of, again, I'd like to do
21 this in two parts. We did provide, I believe, in our
22 reply, and I can find it in our briefings, if you would
23 like, Your Honor, and cited to a specific case where this
24 was raised in a criminal matter, and the Court did not get
25 to that issue. And so that was part of our briefings.

1 THE COURT: So one other case?

2 MS. RAMIC: Correct, Your Honor.

3 THE COURT: Okay. Go ahead.

4 MS. RAMIC: And then if you would like, Your
5 Honor, we could -- our understanding was that was a direct
6 case that we were aware of. We can supplement our
7 briefing with additional briefs if that is necessary on
8 that particular issue.

9 THE COURT: Okay.

10 MS. RAMIC: And I'm sorry, Your Honor, what was
11 the second portion that you wanted me to address?

12 THE COURT: When the date was -- the bed was
13 actually available. It's not indicated in the emails or
14 it's not clear.

15 MS. RAMIC: Well, that's -- and that's the
16 problem here that we have. And I will, if you give me
17 just a second -- if you give me just one second, I can
18 point you to the actual part that's concerning here.

19 [Pause in the proceeding]

20 MS. RAMIC: So in our reply attached as Exhibit
21 1, and this kind of shows you the trajectory and why this
22 is so concerning. The problem is is that when -- on
23 August 19th, the social worker for the Public Defender's
24 Office reached out and said that he is ready to go as soon
25 as a bed becomes available.

1 THE COURT: Right.

2 MS. RAMIC: And at that point, they said, well,
3 he can't be transported to inpatient treatment because he
4 has an ICE warrant. So they would not put him on the
5 waitlist to be transported to inpatient treatment because
6 of the ICE warrant. And that's happened repeatedly when
7 multiple people reached out.

8 And it wasn't until he filed the petition on the
9 16th that -- on the 14th, I apologize, that they -- two
10 days later that they didn't put him on this list and then
11 turned him over to ICE.

12 THE COURT: Okay. And are you saying -- when you
13 say "they" didn't put him on the waitlist, you mean CCDC
14 or WestCare? Because typically it's the patient -- the
15 inpatient that says we have a bed available and now he's
16 ready to go.

17 MS. RAMIC: That's correct. So the CCDC had to
18 put him on the waitlist to be transported. So on 10/19 is
19 when the social worker reached out. That's what they told
20 the social worker.

21 THE COURT: Right.

22 MS. RAMIC: And then on 10/21 is when WestCare
23 reached out and said -- they indicated we are adding
24 Samiko and Amy, which are LVMPD employees at CCDC, to the
25 threat so they can provide the release date, at which

1 point LVMPD responded, he will not be able to go to
2 treatment. He has a warrant.

3 And so they were -- all the parties involved were
4 trying to place him on this waitlist, which they did not
5 do. And they're claiming the reason they didn't do so is
6 because of the ICE warrant. So they were holding him on
7 the ICE warrant.

8 THE COURT: Okay. Anything else relative to
9 mootness?

10 [Pause in the proceeding]

11 MS. RAMIC: Just a moment, Your Honor.

12 THE COURT: Sure.

13 [Pause in the proceeding]

14 MS. RAMIC: I think the only thing I did not
15 address, Your Honor, is the final question of why it's of
16 importance? And I think that's clearly relevant here by
17 the amount of people that are here, the amount of people
18 that would be impacted, and the fact that we're dealing
19 with Nevada issues under Nevada law and the Nevada
20 Constitution. If Your Honor would like us to provide more
21 information, evidentiary information, we're more than
22 happy to do that and supplement our briefing in any way.

23 THE COURT: Okay. Thank you.

24 And on behalf of Respondents as to the issue of
25 mootness.

1 MR. FUGAZZI: I'm sorry, Your Honor. Could you
2 say that again?

3 THE COURT: On the issue of mootness.

4 MR. FUGAZZI: Mootness. Yes. Apologies, Your
5 Honor.

6 The type of case that evades review but is
7 capable of repetition, the general mootness standard,
8 that's not this case. If you look at Exhibit 5, which is,
9 I think, where you started us, Your Honor, lots of people
10 who are in the courtroom today and are on all sides of it
11 were on notice as of August 19th of this circumstance.

12 There's the Public Defender, Ms. Weiss, and she
13 forwards on the email to the ACLU on August 22nd. The
14 Exhibit 1, you were directed to, for some reason, changes
15 the date that it went to the ACLU is November 7th, but I
16 think the correct date is actually Exhibit 5, and that's
17 August 22nd.

18 And this is where folks on behalf of Petitioner
19 as well, we're dealing with this situation. And there was
20 not a clear, typical, normal response that happens. The
21 kind that they're suggesting is going to keep repeating
22 here.

23 In fact, if you go through the timeline of events
24 that occurred, you switch to our opposition, which are the
25 letters, and I believe it's Exhibit L, where you see who

1 it is that alerts Judge Clark Newberry to this issue. And
2 it's actually Metro. It's Metro who alerts her on
3 September 9th.

4 Ms. Swonger, who's the detention transit
5 supervisor -- the transit services coordinator for Metro,
6 says, "Asked the JEA, the above defendant is court ordered
7 to inpatient treatment, but he also has an ICE warrant
8 which prevents him from being transported. Is it possible
9 to get him placed back on calendar to have this
10 addressed?" And it's put back on calendar two days later.

11 It then gets in front of Judge Clark Newberry
12 with counsel for the Public Defender's Office for
13 Petitioner and that is Exhibit N. And even the Public
14 Defender starts by saying, "My request today, and I
15 understand Your Honor may not have jurisdiction to do
16 this, but my request today is ask that you lift the ICE
17 hold so that he can be transported to inpatient."

18 Court says, "I don't have the jurisdiction to do
19 that." And then it proceeds to the issue of the bed being
20 made available. And two days later, before he is picked
21 up for the outpatient bed, ICE picks him up.

22 There is no delay. There's no 287(g)
23 implementation here. There's no delay waiting on ICE
24 because there is a removal warrant that they're waiting
25 for ICE to come get him. There's absolutely no delay.

1 The email is that around, and I'm now looking at
2 Exhibit S, the email is around 6:56 a.m. and within
3 minutes there's a response saying we'll pick -- "We can
4 pick him up at seven."

5 So this case has a court hesitating on what ought
6 to be done. It has counsel for the Public Defender and
7 the ACLU taking approximately two months to figure out
8 what needs to be done. It has Metropolitan Police
9 Department proactively reaching out to the Court to reach
10 a resolution. And then as we submitted the declaration of
11 Chief Schmidt talking about trainings and meetings taking
12 occurrence that this event doesn't happen again.

13 This is not the same as all the other cases, nor
14 is this a situation where 287(g) was implemented at any
15 time.

16 THE COURT: Anything else on the mootness?

17 MS. RAMIC: Yes, Your Honor. And if I may, and I
18 don't know if Counsel has an answer here. I have not
19 heard it. I had not seen it in a response and did not
20 hear it here in court today.

21 But if you look at the emails, they repeatedly
22 say, "He will not be transported to treatment because he
23 has an ICE warrant." They do not explain why they were
24 holding him on an ICE warrant. They don't explain why
25 they didn't put him on a waitlist for almost nearly two

1 months after the Court ordered him to be transported into
2 inpatient treatment. And within that same day is when
3 parties had reached out to get him placed on the transfer
4 list.

5 And so I don't know if they have an explanation
6 for it, but they have not provided that. They were
7 holding him on an ICE warrant, and I think that's clear.
8 And the things that were reflected here don't go to the
9 mootness factors that were discussed, Your Honor.

10 THE COURT: I do want to now move on to the
11 merits of the underlying issue. I'm going to start with
12 Respondents. I know obviously you briefed this and in
13 your opposition you included some statutes where you
14 believe that entering into this agreement is not
15 expressed, but it's in some way either replied or required
16 or essential to the accomplishment of some power
17 authorized by the legislature to Metro. So I'd like you
18 to further articulate where you believe that's implicit
19 under the statutes.

20 MR. FUGAZZI: Yes, Your Honor. If I could start
21 with -- so NRS 248.050 is called "Custody of jail and
22 prisoners," and it states that the sheriff shall have the
23 custody of the jail of his or her county. 248.090, the
24 general duties talks about the sheriff and the deputies
25 shall keep and preserve the peace in their respective

1 counties and shall execute service of process in civil and
2 criminal cases.

3 This is the basis under which policy 4.166 is
4 invoked. The argument, as I get it from Petitioners is
5 Dillon's Rule, and it is the argument that there is -- and
6 the majority of the briefing on Dillon's Rule focuses on
7 the first of the three requirements under Dillon's Rule,
8 not the second and third. They focus on the first
9 language that talks about powers that are granted in
10 express words. But then there's a semicolon, and then it
11 goes on to say, second, those necessarily or fairly
12 implied in or incident to the powers expressly granted.
13 And then there's third, those essential to the
14 accomplishment, the declared objects and purposes of the
15 corporation, in that case, simply not convenient but
16 indispensable.

17 And the two cases they cite are cases that apply,
18 at least the first one, the *Ronnow* case, applies Dillon's
19 Rule, and it applies it, and it says the City of Las Vegas
20 has the power to do it. There is no prohibition under
21 Dillon's Rule. That is a case where the Nevada Supreme
22 Court overruled the District Court's limiting the City of
23 Las Vegas authority to build a power plant and issue
24 bonds. And there, the courts found that Dillon's Rule did
25 not prohibit that. There was power within the City of Las

1 Vegas to do that, even though there was not an explicit
2 statute on point in our example that says, you know, the
3 Metropolitan Police Department can cooperate with the
4 federal government.

5 Similarly, the second case they said, I'm not
6 sure it's really a Dillon's Rule case, but it's the *Flores*
7 case. That's where there's a senate -- there's actual law
8 that says firearms regulation is exclusively within the
9 domain of the legislature. Nonetheless, Michelle Fiore
10 comes into the library with a gun. The library says it's
11 incumbent upon them or they have the authority to invoke
12 their own rules that prohibit guns from coming into Clark
13 County libraries. And again, the Nevada Supreme Court
14 applying Dillon's Rule says that the library does have the
15 authority to do that.

16 So there is no case cited on Dillon's Rule that
17 is nearly as narrow as the application the ACLU is
18 inviting you to take on today.

19 And then you identified it earlier, but there is
20 the Interlocal Cooperation Act. That section specifically
21 says a power, privilege, or authority exercised or capable
22 of exercise by a public agency, including law enforcement,
23 may be exercised jointly with the United States.

24 So all -- what the petitioners respond to, and
25 the law they cite that is supposedly in violation, is this

1 211.060 statute. And the petitioners, again, focus on the
2 language of "prisoners." Of course, the statute itself
3 doesn't just say prisoners. It says any person. It says,
4 "A person may be committed under the authority of the
5 United States to any county jail." So the argument that
6 it only applies to prisoners just doesn't read the statute
7 in its entirety, for starters.

8 And we have, again, explained to the Court the
9 context of that statute being lengthy holdings, the rubric
10 under which the statute falls, and there's not even a
11 application of the facts to this case where any power or
12 expenditure occurred. All we have is an email saying,
13 this person is ready for pickup during the shift of a
14 Metropolitan Police officer. There is no service of a
15 warrant being delivered by a -- this all would be proper,
16 but this is -- my point is the 287(g) agreement, it's just
17 not -- you don't get to it, Your Honor, with respect.

18 There's a ripeness issue there. You don't get to
19 it. When you apply the facts of this case to the law and
20 the case in controversy in front of you, these are the
21 sheriff's powers given to him by statute, and he's applied
22 them. And there's nothing that he's done that violates
23 those.

24 THE COURT: All right. Since you just mentioned
25 it, before I get back to Petitioners as to the ripeness, I

1 mean, wouldn't you agree and the agreement actually
2 states, the MOA that is, that it is effective upon signing
3 by both parties, which would have been June of 2025?

4 MR. FUGAZZI: I agree it says that. It does say
5 that. What I'm telling you today, Your Honor, is that the
6 credentials have not been given to Metropolitan Police
7 Officer yet.

8 I believe that agreement -- and I'm happy -- and
9 I suspect the Court will direct us to it, and we can argue
10 the 287(g) agreement, which is legal, which is binding,
11 which is proper. What I'm suggesting to you today is the
12 fact that it has not been implemented in the facts that
13 are before you, the case in controversy before you, on a
14 ripeness issue, you ought not get to it. But I agree, it
15 was signed on, I think, May 30th and June 16th.

16 THE COURT: Okay. Thank you. On behalf of
17 Petitioners?

18 MS. RAMIC: Yes, Your Honor. Again, Respondents
19 keep referring to policy 4.166, but they have not -- and
20 to indicate that NRS 248.090, "preserving the piece"
21 authorizes them to have this policy.

22 Again, the issue here is the agreement itself.
23 As Your Honor had indicated, this agreement was signed.
24 It's effective. It does exist. And so there's no law
25 that they have pointed to that says that they can enter

1 into this, whether explicitly or implicitly.

2 And if, let's say for the sake of argument,
3 they're indicating that NRS 248.090, "preserving the
4 peace" portion, authorizes them this broad power to now
5 expend Nevada's taxpayers' money to enter into this
6 agreement, if you look at it, the problem there is that if
7 -- the Nevada legislature didn't intend to give those kind
8 of broad powers because then the specific statute, such as
9 211.066, would be useless. It would be meaningless.
10 Because if they had the broad power, why would the
11 legislature be passing statutes outlining when local
12 entities can contract with the federal government? It
13 would be meaningless. So I think that's the core issue
14 that they have here that they have not met.

15 And I can move on to ripeness unless Your Honor
16 has questions related to that one.

17 THE COURT: No.

18 MS. RAMIC: And we hit upon ripeness in the
19 things we have represented to the Court already. But
20 there's nothing that requires ACLU of Nevada to wait until
21 they hold someone unlawfully to challenge the agreement.
22 There's nothing that indicates that. The agreement
23 exists. They have standing to, per the public importance
24 doctrine, to challenge this agreement. So it is ripe for
25 review.

1 THE COURT: And I know it went backwards, but do
2 you have anything else?

3 MR. FUGAZZI: I do, Your Honor. Thank you.

4 One, there is not an explicit statute on point
5 that the ACLU has pointed to that's supposedly violated.

6 And two, I have to go back to standing. If the
7 argument now is pivoting to expenditures, ACLU doesn't
8 have standing to raise expenditure issues

9 I take the ACLU at its word and its declaration
10 when they refer to themselves as the guardian of civil
11 rights for Nevada citizens. I take them at their word
12 that that is a sincerely held belief. But they don't have
13 taxpayer standing as part of their charter and
14 expenditures. And this is now morphing from the sole
15 basis for them opposing Metropolitan Police Department's
16 act to being expenditures, they don't have standing for
17 that.

18 THE COURT: Anything else on that?

19 MS. RAMIC: Just briefly, Your Honor. I mean,
20 we're not arguing taxpayer standing. It is under *NPRI*
21 that we are arguing.

22 But the fact that we have not pointed to a
23 statute that has been violated really flips Dillon's Rule
24 on its head. That's not what the Dillon's Rule requires.
25 And Nevada is a Dillon's Rule state. So it's on them to

1 show that they have authority under the -- that the Nevada
2 legislature has [indiscernible] of this authority and they
3 have not.

4 THE COURT: Okay. And because you included this
5 and requested alternatively the writ of habeas corpus,
6 would you like to address that? Obviously, considering
7 the fact that there's no actual unlawful detention or do
8 you want to address that?

9 MS. RAMIC: I think right now the sole issue here
10 is the writ of mandamus, Your Honor.

11 THE COURT: Okay. And anything else on the
12 merits on behalf of Petitioner?

13 MS. RAMIC: Yes, Your Honor. I think it would
14 help if I started with some key facts that are not in
15 dispute here that really help us through the arguments
16 that are being laid out here. Because the respondents
17 have thrown a lot at the wall in terms of not getting to
18 the merits of this issue, the agreement itself.

19 But there are several key facts that go to these
20 core issues, and those two core issues are, one, whether
21 LVMPD and Sheriff McMahon have authority under Nevada law
22 to enter into a 287(g) agreement, and then two, under
23 Nevada law, can they honor these ICE warrants and
24 detainers? Those are the core issues. It's very simple.
25 Those are the two core issues that we have here.

1 And there are key facts that are not in dispute
2 that really render this case ripe for review, as well as
3 render -- should lead this Court to decide the merits.

4 One, they don't dispute the fact that 287(g)
5 agreement exists, that they signed it, that it is there.
6 They don't dispute that they have really dedicated
7 resources in effectuating this agreement.

8 In their response, they highlight that they have
9 25 officers there that they are dedicating to this. They
10 have received hundreds of ICE warrants and detainers, four
11 people in their custody.

12 They received an ICE warrant and detainer for
13 Mr. Morais-Hechavarria. They attached those as exhibits
14 to their response. They held Mr. Morais-Hechavarria for
15 nearly two months after a Nevada District Court judge
16 ordered him to be transported to inpatient treatment.

17 They don't dispute the email communications that
18 we have provided on both sides, that when they were asked
19 why he wasn't being transported, it was because they had
20 -- he had an ICE warrant.

21 They don't dispute that he was not put on the
22 transfer list until almost two months after and after this
23 petition was filed.

24 And they don't dispute the fact that they turned
25 him over to ICE custody three days after he filed this

1 petition.

2 They created the circumstances to where
3 Mr. Morais-Hechavarria cannot be present in court right
4 now and then are using that to argue that the Court should
5 not get to this point.

6 And so really, if we're looking at their
7 arguments, they would -- individuals who are held pursuant
8 to this agreement, they were able to bring a petition.

9 Let's say everything lined up, they were able to
10 get counsel, they were able to file it all within 48 hours
11 per the agreement to challenge it, they're saying that
12 they could just turn around, turn them over to ICE, never
13 get to the issue. And that's an absurd result. So I
14 would leave it at that, Your Honor.

15 THE COURT: All right. On behalf of Respondents?

16 MR. FUGAZZI: Yes, Your Honor. If I could, I
17 would start with this -- the policy 4.166. This is a
18 policy that's been in effect since 2019. This is
19 antithetical to a writ petition. Writ petitions are for
20 emergent relief. They're for relief where there's no
21 just, speedy, or otherwise remedy and it can't be decided
22 in the ordinary course.

23 You've already heard a couple times today, Your
24 Honor, let me supplement the record. What that means is
25 this should be a normal, traditional case. If they

1 believe they have standing, if they believe they have a
2 cause of action, they should file a complaint. They
3 shouldn't seek emergency writ relief with zero discovery
4 and seek a final dispositive ruling. That's just not an
5 appropriate use of the writ mechanism.

6 And with regard to policy 4.166, we have
7 submitted Deputy Chief Schmidt's declaration. She makes
8 clear in her declaration that it is 4.166 that was in
9 effect here. She has made clear at paragraph 9 that LVMPD
10 does not enforce immigration violations. She has made
11 clear that what 4.166 applies to is qualified foreign-born
12 individuals, individuals who are arrested and charged with
13 a specific subset of crimes that the sheriff has deemed to
14 be of particular importance to protecting the public.

15 Those crimes are set -- those types of crimes are
16 set forth in 4.166. And this is how the petitioner falls
17 within the rubric of 4.166. He was arrested on June 3rd,
18 2023, for driving a stolen vehicle or being in possession
19 of a stolen vehicle, in possession of methamphetamine.
20 That's exhibit E and F.

21 He was released on his own recognizance and
22 failed to appear for a hearing in September of 2023, so a
23 bench warrant was issued. That's Exhibit H.

24 Two years later, in June of '25, he was
25 rearrested for domestic battery of a pregnant girlfriend,

1 and gave false information to the arresting officer.
2 That's Exhibit G.

3 Four days later, he was arrested for throwing the
4 first two punches in a fight in prison. That's Exhibit H.

5 Those are the types of qualified foreign-born
6 individuals that policy 4.166 narrowly applies to.

7 Now if I could switch from that to 287(g).
8 Again, you've heard me say it twice, so I won't belabor
9 it. I don't think you need to get to it but let me
10 address 287(g) since it has been raised several times.

11 The Fifth Circuit, the federal statute under
12 which 287(g) applies, and the MOA agreement all made clear
13 that the actions taken by an LEA, the law enforcement
14 officer, under this agreement all fall under a *de facto*
15 immigration officer's conduct and therefore need to be
16 viewed from the standpoint of whether federal law is
17 complied with.

18 287(g) (1) talks about MOA agreements must be,
19 quote, qualified to perform a function of an immigration
20 officer; (g) (2) requires the individual to adhere to
21 federal law; (g) (3) talks about the individual being
22 subject to the direction of the Attorney General of the
23 United States; and (g) (8) talks about acting under the
24 color of federal authority for purposes of determining
25 liability. The MOA parallels 287(g).

1 In the Section 2, the purpose, it talks about LEA
2 personnel being trained and approved by ICE to perform
3 certain limited functions of an immigration officer. 4C
4 of the agreement talks about training provided by ICE to
5 perform immigration officer functions. 4D talks about ICE
6 certification and authorization from the ICE field officer
7 director. And again, the form 70006, again dealt within
8 4D, talks about designated immigration officer and given
9 ICE issued credentials.

10 So the argument -- and then 4E talks about
11 supervised by and directed by ICE officers, DOJ lawyers
12 being involved if claims are brought against the
13 individual.

14 All of these, all the actions, and if we get to
15 287(g), need to be examined from the prism of whether they
16 comply with federal law, not whether a magistrate from the
17 state issued a warrant or subpoena because that would not
18 make sense for a state magistrate to issue warrants or
19 subpoenas when we're dealing with federal law issues.

20 With that, Your Honor, are there any questions
21 that I haven't answered that are in front of your mind?

22 THE COURT: No, I don't have any additional
23 questions.

24 MR. FUGAZZI: Thank you.

25 THE COURT: On behalf of Petitioners, any

1 response to that?

2 MS. RAMIC: Yes, Judge. Let me first address the
3 writ -- appropriateness of the writ. This is an
4 emergency, which is why we filed it as an emergency.
5 Mr. Morais-Hechavarria was being held way past the time
6 that he should have been held on this unlawful ICE
7 warrant.

8 And on top of that, you -- this is not about
9 expenditures as they are framing it. This is about the
10 liberty interest of hundreds of people that will be held
11 pursuant to this agreement.

12 Respondents have not indicated that they're not
13 going to be holding people under this agreement. Again,
14 they're focusing on policy 4.16 [sic] to continue these
15 arguments as to why they should be permitted to do this,
16 which is not appropriate.

17 In terms of the -- and I'm trying to parse this
18 out, really the contents of the 287(g) agreement are
19 really not relevant here. They really put the cart before
20 the horse. The issue is not here, the contents of the
21 agreement; it's their ability to enter into the agreement.
22 And so there's nothing under federal law that authorizes
23 them to enter into this agreement. Really, the INA itself
24 says that it has to comply with all state law.

25 [Pause in the proceeding]

1 MS. RAMIC: I apologize, Your Honor. There was
2 one more thing that I wanted to mention in terms of the
3 writs. Respondents had indicated that the writ is not
4 appropriate because there are factual disputes and things
5 that need to be supplemented in the record.

6 One, that is not the case. I think all the facts
7 are relevant here in terms of why the writ should issue.
8 But also, just because there are certain things within a
9 writ of mandamus, such as fact disputes, does not equal
10 dismissal.

11 In fact, if you look at the statute under the
12 writ of mandamus, you can have an evidentiary hearing to
13 determine the fact. You can have a jury trial to
14 determine the fact. So it does not equate the denial of
15 petition or dismissal.

16 THE COURT: All right. The Court would like
17 supplemental briefing, but on the limited issue of the
18 mootness exception doctrine relative to the recurrence of
19 similar issues, specifically to the 957 of the declaration
20 attached as your exhibit, I think it was 7, indicates and
21 any court cases relative to that.

22 So how long will it take you to prepare that?

23 MS. RAMIC: I think given the holiday break and
24 everything going on, would the Court be okay with three
25 weeks, Your Honor?

1 THE COURT: So the 17th?

2 MS. RAMIC: Yes. I don't have it before me. My
3 brain's kind of working off of what's in my calendar right
4 now, but --

5 THE COURT: Okay. And then Mr. Fugazzi, how long
6 would it take for you to just respond to that limited
7 issue? So the 17th would be -- is a Wednesday, three
8 weeks from today, for their supplement to be due by 5 p.m.

9 MR. FUGAZZI: Could we get until -- tough time of
10 year.

11 THE COURT: I know.

12 MR. FUGAZZI: Could we get until Tuesday, January
13 6th?

14 THE COURT: Any objection to that? So Tuesday,
15 January 6th. And the Court is going to set it on my
16 chamber's calendar that 8th just to make sure all the
17 briefing's in and see where we're at. Okay?

18 MS. RAMIC: Yes, Your Honor.

19 THE COURT: Anything else on behalf of either
20 side?

21 MS. RAMIC: No, Your Honor.

22 MR. FUGAZZI: No, Your Honor.

23 THE COURT: All right. Thank you. Have a good
24 day, everyone.

25 MS. RAMIC: You as well. Thank you.

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MR. PETERSON: Thank you. Enjoy your holiday.

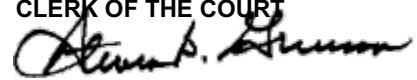
THE COURT: You too, guys.

[Proceeding concluded at 11:14 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.



Brittany Amoroso
Transcriber



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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: III

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

Petitioners, American Civil Liberties Union of Nevada (“ACLU of Nevada”) and Sergio Morais-Hechavarria, hereby submit this Supplemental Briefing in Support of Petition for Writ of Mandamus or, in the alternative, Petition for Writ of Habeas Corpus in compliance with the Court’s order for supplemental briefing on the limited issue of the likelihood of recurrence of similar issues under the mootness exception doctrine.

1 This supplemental briefing is supported by the following memorandum of points and
2 authorities, the pleadings and papers filed with this Court, any attached exhibits, and any oral
3 argument the Court may permit.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 The Las Vegas Metropolitan Police Department (“LVMPD”) executed a 287(g) agreement
6 (“the Agreement”) with ICE on June 16, 2025, at which point it became effective. *See* Petition for
7 Writ of Mandamus or, in the alternative, Petition for Writ of Habeas Corpus (“Pet.”) Exhibit 1 at
8 7 (“This MOA becomes effective upon signature of both parties.”). The core purpose of the
9 Agreement is for LVMPD to hold people that would otherwise be released from LVMPD custody
10 if ICE sends LVMPD an administrative warrant or detainer for that person. *Id* at 8. This is not in
11 dispute.

12 On August 19, 2025, a Nevada District Court judge ordered that Mr. Morais-Hechavarria
13 be released directly to inpatient treatment. Instead of releasing him pursuant to the judge’s order,
14 LVMPD held him for nearly two months because of an ICE administrative warrant sent to LVMPD
15 by ICE. LVMPD’s actions are covered under the Agreement, but even if Respondents’ arguments
16 regarding Mr. Morais-Hechavarria not being held pursuant to the Agreement are accepted as true,
17 they failed to provide a meaningful response as to why holding him on the ICE warrant otherwise
18 violates Nevada law. *See* Pet. (Request for Relief in Petition requesting this Court to “[d]eclare
19 that Respondents do not have the authority under Nevada law to detain people for immigration
20 detainers or warrants.”).

21 Mr. Morais-Hechavarria’s circumstances are not unique. While the length of time that he
22 was held is particularly egregious in this case, others have been held on ICE warrants since the
23 Agreement was executed, and LVMPD does not dispute that the agency will hold people in this
24 manner under the Agreement in the future, potentially impacting hundreds of others. LVMPD asks

1 this Court to ignore the Agreement entirely and side-step deciding the lawfulness of its actions
2 because Mr. Morais-Hechavarria is no longer in its custody. However, LVMPD created the
3 circumstances that it now relies on to argue that the case is moot. This is a classic example of an
4 issue that is capable of repetition, yet evading review, and the mootness exception applies.¹

5 **I. There is a likelihood that the core issue in this case- whether LVMPD can hold people**
6 **on ICE warrants or detainers past the time they would otherwise be released,**
7 **including by entering into a 287(g) agreement- will arise in the future.**

8 The Court may consider a case that is moot if it involves a matter of widespread importance
9 that is capable of repetition, yet evading review. *Valdez-Jimenez v. Eighth Jud. Dist. Court of Nev.*,
10 136 Nev. 158, 158, 460 P.3d 976, 982 (2020). Under such circumstances, the party seeking to
11 overcome mootness must prove that (1) the duration of the challenged action is relatively short,
12 (2) there is a likelihood that a similar issue will arise in the future, and (3) the matter is important.
13 *Id.*

14 The Nevada Supreme Court has used different metrics to determine whether an issue is
15 likely to arise in the future. As discussed in Petitioners' Reply in Support of Petition ("Reply"),
16 the Nevada Supreme Court has looked at whether others have litigated the same issue. *See e.g.*
17 *Valdez-Jimenez*, 136 Nev. at 160, 460 P.3d at 983 (documents from other criminal cases in which
18 defendants have raised similar arguments before the justice court or district court about the process
19 of setting bail). However, the Nevada Supreme Court has also looked at how common the issue at
20 hand is to the larger body of disputes, *see e.g. Washoe Cnty. Hum. Servs. Agency v. Second Jud.*

21 ¹ In this briefing Petitioners address the mootness exception as it relates to Mr. Morias-Hechavarria
22 only as the mootness exception is only relevant to his claims. The mootness exception does not
23 apply to ACLU of Nevada because it has public importance standing pursuant to *Nev. Pol'y. Rsch.*
24 *Inst., Inc. v. Cannizzaro*, 507 P.3d 1203, 1210, 138 Nev. 259, 265-66 (Nev. 2022) and LVMPD's
287(g) agreement is undisputably active. That said, if Petitioners have misunderstood the scope of
the Court's order for supplemental briefing, Petitioners can provide the Court briefing related to
ACLU of Nevada's claims if necessary.

1 *Dist. Court*, 521 P.3d 1199, 1204, 138 Nev. 874, 878 (Nev. 2022) (issues regarding a child welfare
2 agency's duty to provide reasonable efforts to reunify children with their parents are relevant to a
3 variety of child welfare cases that have previously, and will likely continue to come before this
4 court); *see also Johnston v. Eighth Jud. Dist. Court of Nev.*, 518 P.3d 94, 100, 138 Nev. 700, 704
5 (Nev. 2022) (“these issues are likely to arise in the future, as Johnston has illustrated with examples
6 in three other criminal cases in which defendants were taken into custody in a manner that
7 allegedly violated due process.”), and whether a large number of cases would be impacted by the
8 issue, *see e.g. Chittenden v. Just. Court of Pahrump Twp.*, 544 P.3d 919, 923, 2024 Nev. App. Op.
9 5 (Nev. App. 2024) (“Given that all criminal defendants charged by criminal complaint with a
10 gross misdemeanor or felony are statutorily entitled to a preliminary hearing, there is a substantial
11 likelihood that a similar issue will arise in the future based on the volume of cases alone.”). Here,
12 not only have others litigated the same issue, but LVMPD’s own data indicates that a significant
13 number of people will be impacted and the core legal questions are common to a larger body of
14 disputes.

15 **A. The issues before this Court are not moot and will reoccur because they impact**
16 **hundreds of people subject to ICE warrants and detainers in LVMPD custody**
17 **even if all of those people are not actively litigating the issue.**

18 LVMPD’s unlawful detention of Mr. Morais-Hechavarria due to an administrative warrant
19 from ICE is not an isolated incident. People in LVMPD’s custody have been subjected to these
20 unlawful holds since LVMPD signed the Agreement. *See* Exhibit 1.

21 While LVMPD received ICE warrants and detainers prior to executing the Agreement with
22 ICE, it purportedly did not hold people past the time they would otherwise be released on criminal
23 charges. However, the Agreement, which is now in effect and LVMPD argues is lawful,
24 specifically states that if LVMPD receives an administrative warrant from ICE, the person will be
held for 48 hours upon release from criminal custody. Pet. Exhibit 1 at 8. Since executing the

1 Agreement in mid-June, LVMPD's data through September 1, 2025, roughly a two-and-a-half-
2 month period, shows that LVMPD received 331 warrants and detainers from ICE. *See* Exhibit 2;
3 Pet. Exhibit 4 (total number calculated by subtracting the year-to-date total for warrants and
4 detainers on June 9, 2025, from the year-to-date total for warrant and detainers on September 1,
5 2025). This is an increase in the number of warrants and detainers received compared to the 5
6 months preceding the execution of the Agreement. *See* Exhibit 2 (year to date total of 410 and 172
7 for detainers and warrants, respectively). LVMPD does not refute these reports nor that it will hold
8 people pursuant to the Agreement in the future. The data provides a snippet of how many people
9 stand to be impacted by LVMPD's unlawful actions, with potentially more given the increase in
10 the amount of warrants and detainers sent to LVMPD since the Agreement was executed. As such,
11 similar to *Chittenden.*, the issue is relevant to the potentially hundreds of cases where Nevada
12 District Court judges will order the release of people from LVMPD custody, but LVMPD
13 nonetheless will hold them because ICE sent LVMPD an administrative warrant or detainer for
14 that person.

15 Not only is this likely to happen in the future, but it has already occurred. The fact that
16 LVMPD does not view their actions as falling under the Agreement does not dispose of the issues
17 entirely, and the Court should decide whether holding people on ICE warrants and detainers
18 violates Nevada law. Other courts examining similar issues as it relates to the lawfulness of
19 detainers determined that the release of a person from a local jail did not render the issue moot.
20 *See e.g. Ramon v. Short*, 2020 MT 69, 399 Mont. 254, 460 P.3d 867 (holding that the issue is likely
21 to reoccur based on an increase in detainers received by the local jail and three other cases that
22 were brought challenging the same conduct); *People ex rel. Wells v. DeMarco*, 168 A.D.3d 31, 37
23 88 N.Y.S.3d 518 (2018) (Determining that detainer issue is likely to reoccur because "[a]s the
24 petitioner points out, and the Sheriff does not refute, nearly 800 detainers were submitted by ICE

1 to the Nassau and Suffolk County Sheriff's offices during 2017.”). This Court should find the same
2 here.

3 **B. The issues before the Court related to local governments’ authority to enter to**
4 **287(g) agreements are part of a broader body of disputes being litigated in across**
5 **the country.**

6 Whether local entities can enter into 287(g) agreements is not a novel issue. The lawfulness
7 of the agreements and the authority of local entities to execute them under state laws have been
8 challenged in other states. *See e.g. Voces de la Frontera, Inc. v. Gerber*, No. 2025AP2121-OA,
9 (Wis. Super. Dec. 3, 2025) (granting petition for leave to commence an original action and ordering
10 parties to address authority of sheriffs under 287(g) agreements); *see also Central American*
11 *Refugee Center v. Ryder*, No. 613541/2025 (N.Y. Sup. Ct., Nassau Cty. June 24, 2025).

12 The legal community raised concerns and threatened legal action when LVMPD entered
13 into a prior 287(g) agreement with ICE.² Shortly after, the sheriff at the time, Joseph Lombardo,
14 terminated the contract because of the ruling in *Gonzalez v. Immigration & Customs Enft* which
15 held that where there is no explicit state statute authorizing civil immigration arrests, holds
16 pursuant to the 287(g) agreement were unconstitutional. 416 F. Supp. 3d 995, 1015 (C.D. Cal.
17 2019). LVMPD expressly stated that it analyzed the Court’s decision and because Nevada does
18 not have a statute authorizing civil immigration arrests, it was terminating the 287(g) agreement.
19 Exhibit 3.

20 Despite this position in 2019, and no changes in Nevada law regarding authority to conduct
21 civil arrests, LVMPD entered into a 287(g) agreement again this year. Within a couple months,
22 and before the filing of this petition, the lawfulness of the Agreement was challenged in a criminal

23 ² Mark Hernandez, *ACLU of Nevada calls on Metro to stop honoring ICE detainees, says they*
24 *constitute warrantless arrest*, The Nevada Independent, Oct. 12, 2019,
[https://thenevadaindependent.com/article/aclu-of-nevada-calls-on-metro-to-stop-honoring-ice-](https://thenevadaindependent.com/article/aclu-of-nevada-calls-on-metro-to-stop-honoring-ice-detainers-says-they-constitute-warrantless-arrest)
[detainers-says-they-constitute-warrantless-arrest](https://thenevadaindependent.com/article/aclu-of-nevada-calls-on-metro-to-stop-honoring-ice-detainers-says-they-constitute-warrantless-arrest).

1 case by a person who was held on an ICE warrant despite being ordered released by a Nevada
2 Justice Court judge. *State v. Ortiz*, No. 19-F-08292X (Las Vegas Just. Ct. Clark Cnty., Nev. filed
3 July 2, 2025). The Court ruled that it did not have jurisdiction to hear the case because Justice
4 Court is a court of limited jurisdiction and suggested that it is possible that the issue could be
5 resolved in District Court through a separate filing. *Id.*

6 **C. An evidentiary hearing may be appropriate to determine the scope of**
7 **information held by other entities, including LVMPD and the Clark County**
8 **Public Defender's Office, relevant to the issues at hand.**

8 Regarding how many people are actually impacted by the Agreement or ICE's warrants
9 and detainers issued for people in LVMPD's custody, at least two entities would have additional,
10 relevant information: the Clark County Public Defender's Office and LVMPD itself. If the
11 information provided in this supplemental briefing is insufficient, Petitioners ask that this Court
12 either order an evidentiary hearing where representatives from these entities may be called to
13 provided information relevant to the limited issues subject to this supplemental briefing or in lieu
14 of testimony, provide a signed declaration providing the relevant information.

15 **II. Conclusion**

16 In summary, these examples illustrate that the central issue in this case has impacted others
17 and is likely to arise in the future and come before this court. But for an application of the exception
18 to the mootness doctrine, these issues threaten to go unresolved due to the transitory 48-hour period
19 of immigration detainer requests, making full and meaningful judicial review of the issue prior to
20 the release of the person impossible. For the foregoing reasons, the Court should apply the
21 mootness exception and decide the case on the merits.

1 Dated this 17th day of December, 2025.

2 **AMERICAN CIVIL LIBERTIES**
3 **UNION OF NEVADA**

4 /s/ Sadmira Ramic
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INDEX OF EXHIBITS

Exhibit No.	Description
1	LVMPD Releasing Data
2	LVMPD DSD Report for June 9, 2025
3	LVMPD October 23, 2019 Press Release

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on December 17, 2025, I electronically filed a true and correct copy of
3 the foregoing **SUPPLEMENTAL BRIEFING IN SUPPORT OF PETITION FOR WRIT OF**
4 **MANDAMUS OR, IN THE ALTERNATIVE, VERIFIED PETITION FOR WRIT OF**
5 **HABEAS CORPUS**. I further certify that all participants in the case are registered CM/ECF users
6 and that service will be accomplished on all participants by:

- 7
- 8 ☒ CM/ECF
- 9 ☐ Electronic mail; or
- 10 ☐ US Mail or Carrier Service
- 11

12 /s/Suzanne Lara

13 An employee of the ACLU of Nevada

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EXHIBIT 1

LVMPD Releasing Data

LAST NAME	FIRST NAME	OFFENDER	DATE OF BIRTH	BOOKING BEGIN DATE	DATE OF INITIAL NOTIFICATION N	P# & INITIALS	NOTIFICATIO N QUALIFIER CAT 1-CAT 2	DATE DETAINER RECVD (I-200)	DATE WARRANT RECVD (I-205)	PICKUP YES/NO	RELEASING NOTIFICATION (DATE / TIME / CONTACT)	CHARGES	COMMENTS	OUT OF CUSTODY DATE
				8 11/12/20			CAT 1	N/A	N/A			SA		SOB HA
				9 11/09/21			CAT 1	N/A	02/22/25			SA		SOB HA
				10 12/11/21			CAT 1	N/A	N/A			SA		SIC
				5 07/21/22	07/22/22		CAT 1	N/A	07/22/22			SA		SIC
				1 07/24/22			CAT 1	N/A	N/A			MURDER		SIC
				5 08/17/22			CAT 1	N/A	N/A			SA		SOB HA
				4 12/14/22			CAT 1	N/A	N/A			LEWD		SOB HA
				8 02/12/23			CAT 1	N/A	N/A			SA		SOB HA
				6 02/17/23			CAT 1	N/A	02/22/25			LEWD		SOB HA
				3 04/12/23			CAT 1	N/A	N/A			SA		SOB HA
				4 04/27/23			CAT 1	N/A	N/A			LEWD		SOB HA
				0 05/31/23			CAT 1					SA		SIC
				3 06/08/23			CAT 1					ROBBERY		SIC
				8 07/01/23	07/02/23		CAT 1	02/23/25	N/A			SA	1200 received 02/23/25	SIC
				3 08/03/23			CAT 1	N/A	N/A			ATT KIDNAP		SOB HA
				4 08/30/23			CAT 1	N/A	N/A			KIDNAP		SOB HA
				9 08/31/23			CAT 1	03/04/25	N/A			KIDNAP		SIC
				4 08/31/23			CAT 1					MURDER		SIC
				5 09/04/23			CAT 1	N/A	N/A			KIDNAP		SOB HA
				5 09/20/23			CAT 1	03/07/25				MURDER		SIC
				3 09/28/23			CAT 1					MURDER		SIC
				7 11/06/23	11/15/23		CAT 1	11/15/23	N/A			SA		SIC
				4 11/10/23			CAT 1	N/A	N/A			SA	Released EMP 02/21/25	SOB HA
				6 11/13/23	N/A	N/A	CAT 1	02/23/25	N/A			SA		SOB HA
				1 11/16/23			CAT 1	06/25/25	N/A			MURDER	1200 received 6/25/25	SIC
				1 11/19/23			CAT 1	N/A	N/A			DUI		SOB HA
				10 12/19/23			CAT 1	N/A	N/A			SA		SOB HA
				7 01/03/24	06/22/25	D15982D	CAT 2	N/A	N/A	NO	N/A	OPEN MURDER, E/DW	NO ACTION TAKEN PER ICE OFFICER [REDACTED]	SIC
				0 01/04/24	N/A	N/A	CAT 1	02/27/25	N/A			LEWD		SIC
				5 02/08/24	02/09/24		N/A	02/08/24	N/A			NQ		SIC
				4 02/14/24			CAT 1	N/A	N/A			SA		SOB HA
				8 02/16/24	02/16/24		CAT 1	N/A	02/16/24			MURDER		SIC
				8 04/09/24			CAT 1	N/A	N/A			SA		SOB HA
				6 04/23/24	04/23/24		N/A	04/23/24	N/A			NQ - CARRY POSS FA		SIC
				9 06/11/24	06/12/24		N/A	N/A	06/12/24			NQ - NARC		SIC
				1 06/12/24	06/22/25	D15982D	CAT 2	N/A	N/A			OPEN MURDER	NO ACTION PER ICE OFFICER [REDACTED] 06/22/2025	SIC
				0 06/12/24	06/22/25	D15982D	CAT 2	N/A	N/A			OPEN MURDER	NO ACTION PER ICE OFFICER [REDACTED] 06/22/2025	SIC
				3 06/18/24	06/22/25	D15982D	CAT 1	N/A	N/A			SEXUAL ASSAULT AGAINST CHILD LESS THAN 14	NO ACTION PER ICE OFFICER [REDACTED] 6/22/2025	SIC
				0 06/26/24			CAT 1	N/A	N/A			SA		SOB HA
				3 07/11/24	07/11/24		CAT 1	07/11/24	N/A			SA		SIC
				5 07/16/24			CAT 1	N/A	N/A			ATT SA		SOB HA
				5 08/01/24	06/22/25	D15982D	CAT 1	N/A	N/A			OPEN MURDER	FURTHER REVIEW REQUESTED OFFICER [REDACTED] 06/22/25	SIC
				5 09/04/24	06/22/25	D15982D	CAT 1	N/A	N/A	NO	N/A	DV W/BSH-VOP	FURTHER REVIEW REQUESTED 06/22/25; no action per email 6/25/25 @ 17:48	SIC
				8 10/03/24			CAT 1	N/A	N/A			SA		SOB HA
				8 10/17/24	06/22/25	D15982D	CAT 1	N/A	N/A	NO		POSS SCH I, II C/S LT 14 GRAMS, 1ST OR 2ND OFF	NO ICE ACTION PER OFFICER [REDACTED] 06/22/25	SIC
				3 11/04/24			CAT 1	N/A	N/A			DV		SOB HA
				7 11/09/24	11/12/24		CAT 1	11/12/24	N/A			SA		SIC
				9 11/14/24			CAT 1					SA		SIC
				4 11/16/24			CAT 1	N/A	N/A			SA		SOB HA
				1 11/20/24	06/22/25	D15982D	CAT 1	N/A	N/A			OPEN MURDER	NO ACTION PER ICE OFFICER [REDACTED] - US CITIZEN 6/22/25	SIC
				8 11/22/24	06/22/25	D15982D	CAT 2	N/A	N/A	NO		DUI - R/BSH	NO ICE ACTION PER OFFICER [REDACTED] 06/22/25	SIC
				8 12/03/24			CAT 1	N/A	N/A			DUI		SOB HA
				0 12/18/24	06/22/25	D15982D	CAT 1	N/A	N/A	NO		SEX ASSAULT AGAINST CHILD LESS THAN 14	NO ICE ACTION PER OFFICER [REDACTED] 06/22/25	SIC
				3 01/03/25	05/24/25	D15982D	CAT 1	N/A	N/A	NO	N/A	OPEN MURDER-E/DW	NO ACTION US CITIZEN PER EMAIL 5/24	SIC
				9 01/03/25			CAT 2	02/27/25	N/A			GRAND LARCENY OF MOTOR VEH		SIC
				3 01/03/25			CAT 1					OPEN MURDER		SIC
				3 01/11/25			CAT 1	N/A	N/A			SA		SOB HA
				0 01/15/25	05/29/25	D15982D	CAT 2	N/A	N/A	NO	N/A	TRAFFIC SCH I, II C/S, FLNTRZPM/GHB, 400+ GRAM	No action per email 5/29/25 @ 20:36	SIC
				3 01/18/25			CAT 1	N/A	N/A			LEWD		SOB HA
				0 01/29/25	01/29/25		CAT 1	N/A	N/A			DV	I-200 SENT 03/17/2025	SIC
				2 02/08/25	N/A	N/A	N/A	02/23/25	N/A				Released EMP 02/13/25; I200 RCVD 02/23/25	SOB HA
				6 02/11/25	N/A	C9943F	N/A	02/11/25	N/A			JUVI RM - Detainer came with body - NQ NARCS		SIC
				8 02/14/25	05/25/25	D15982D	CAT 2	N/A	N/A	NO	N/A	COMMIT FRAUD ACT IN GAME ESTB, 1ST OFF	NO ACTION	SIC
				0 02/19/25	05/25/25	D15982D	CAT 1	06/09/25	N/A			ROBBERY, E/VOP	I200 RECEIVED 06/09/25	SIC
				0 02/20/25	02/21/25	L13629D	CAT 1	N/A	N/A	NO		SEX ASSAULT AGAINST CHILD	NO ICE ACTION WILL BE TAKEN NOT AMENABLE FOR REMOVAL	SIC
				3 02/26/25	02/26/25	D8159L	CAT 1	02/27/25	N/A			SEX ASSAULT	I-200 RCVD 02/27/25	SIC
				5 02/26/25	02/26/25	D8159L	CAT 1	N/A	N/A	NO		LEWNESS W/CHILD	PER ICE, NATURALIZED CITIZEN. NO ACTION	SOB HA
				7 02/28/25	06/20/25	D15982D	CAT 1	N/A	N/A	NO	N/A	DOM BATTERY, (1ST)	NO ACTION PER EMAIL 5/30/25 @ 15:33 US CITIZEN	SIC
				3 03/03/25	03/04/25	C9943F	CAT 1	03/08/25	N/A	NO		FUGITIVE	PER ICE - NO ACTION 03/04/25	SIC
				9 03/11/25	03/12/25	A16548A	CAT 1	03/12/25	N/A			INCEST, KIDNAPPING, SEX ASSAULT CHILD LT 14	I-200 RECEIVED 03/12/2025	SIC
				5 03/13/25	06/07/25	D15982D	CAT 1	N/A	N/A	N/A	N/A	SEX ASSAULT AGAINST CHILD LESS THAN 14/LEWD	NO ACTION PER OFFICER [REDACTED] 6/7/25	SIC
				0 03/19/25	03/19/25	K17554O	CAT 1	03/19/25	N/A			SEX ASSAULT AGAINST CHILD - 14	NO ACTION 03/19/25 PER ICE OFFICER [REDACTED] J 1200/247 form received 3/19/25 m1322	SIC
				4 03/20/25	03/20/25	K17554O	CAT 1	N/A	N/A	NO		DOM BATTERY (1ST)	NO ACTION - PER ICE OFFICER [REDACTED] 03/20/2025	SIC
				5 03/24/25	03/24/25	C9943F	CAT 1	N/A	N/A	NO		SEXUAL ASSAULT AGAINST CHILD LESS THAN 16	NO ACTION PER ICE 03/24/25	SOB HA
				5 04/02/25	04/02/25	L13629D	CAT 1	N/A	N/A	NO		FUGITIVE	PER ICE [REDACTED] NO INTEREST AT THIS TIME, DHS WILL FOLLOW-UP AT A LATER DATE 2206 4/2	SIC
				0 04/09/25	04/10/25	L13630T	CAT 2	N/A	04/10/25			TRAFFICK FENTANYL	I205 RCVD	SIC
				4 04/10/25	04/11/25	C7264M	CAT 1	04/11/25	N/A			SEX ASSAULT AGAINST CHILD < THAN 14	I-200 RECEIVED ON 04/11/25	SIC
				4 04/17/25	04/17/25	C7264M	CAT 1	N/A	N/A	NO	N/A	ATT ROBBERY	NO ACTION PER ICE 4/17/25	SIC
				4 04/23/25	04/23/25	C9943F	CAT 1	04/24/25	N/A			GBT MONEY/PROPIALABOR FALSELY, \$25K - \$100K	I-200 RECEIVED 4/24/25	SIC
				5 04/23/25	04/24/25	C5180P	CAT 1	N/A	04/24/25			TRAFF SCH I-II C/S, FLNTRZPM/GHB, 100G BUT LT 400G		SIC
				8 04/24/25	04/04/25	L13630T	CAT 2	06/07/25	N/A			PCS-METH	I - 200 RECEIVED ON 6/7/25 BY OFFICER [REDACTED]	SIC
				3 04/25/25	04/25/25	C7264M	CAT 1	N/A	04/25/25			MURDER W/DW	I205 RCVD	SIC
				5 04/29/25	04/29/25	M19940I	CAT 1	N/A	04/29/25	YES	10/03/25 @ 1215	DUI W/PRIOR FELONY DUI	I-205 RCVD 4/29/25	SIC
				0 04/29/25	04/29/25	M19940I	CAT 1	N/A	N/A	NO	N/A	ROBBERY E/DW	NO ACTION PER ICE	SIC
				0 05/02/25	05/03/25	L115379P	CAT 1	N/A	N/A			ATT ROBBERY, E/DW	I200 RCVD	SIC
				0 05/05/25	05/05/25	T8639S	CAT 1	05/18/25	N/A			DUI R/BSH	I-247A I-200 RECEIVED	SIC
				6 05/06/25	05/06/25	T8639S	CAT 1	05/06/25	N/A			ROBBERY W/DW	I-200 RECEIVED ON 05/06/2025	SIC
				7 05/09/25	05/09/25	L13629D	CAT 1	N/A	05/10/25			SEX ASSAULT AGAINST CHILD - 14	I-205 RCVD 0019 5/10/25	SIC
				6 05/09/25	05/09/25	L13629D	CAT 1	N/A	N/A	NO	N/A	TRAFFIC SCH I, II C/S, FLNTRZPM/GHB, 400+ GRAM	NO ACTION PER ICE OFFICER [REDACTED] 1855 5/9/25	SIC
				2 05/10/25	05/11/25	L13629D	CAT 1	N/A	N/A	NO	N/A	ASSAULT W/DW	NO ACTION - LPR PER ICE OFFICER [REDACTED] 0503 5/11/25	SIC
				0 05/17/25	05/17/25	A18107T	CAT 1	05/17/25	N/A	NO		DUTY TO STOP AT SCENE OF ACDNT I/DOPI	I200 RECEIVED	SIC

22	05/17/25	05/17/25	I15375P	CAT 1		N/A	N/A	NO	N/A	50201 ASSAULT, W/DW	NO ACTION, SUBJECT IS A PERMANENT RESIDENT PER EMAIL 5/17 @0157	SIC
79	05/20/25	05/21/25	C7264M	CAT 1		N/A	N/A	NO		AWDW	NO ACTION USC	SIC
84	05/21/25	05/21/25	C7264M	CAT 1		N/A	N/A	NO		ROBBERY	NO ACTION PER ICE	SOB HA
88	05/22/25	05/22/25	K17554O	CAT 1		N/A	N/A	NO	N/A	DUI 1ST	NO ACTION PER OFFICER [REDACTED] 5/22/2025 @ 1500	SIC
90	05/22/25	05/22/25	C7264M	CAT 1	05/23/25	N/A				LEWNESS W/ CHILD LESS THAN 14	1200 RECEIVED 05/23/2025 @ 1033	SIC
93	05/23/25	05/23/25	M13224A	CAT 1	05/23/25	N/A				TRAFFIC SCH I, II C/S, FLNTRZPM/GHB, 400+ GRAM	200 received 5/23/25 @ 21:23	SIC
98	05/25/25	05/25/25	T8639S	CAT 1		N/A	N/A	NO	N/A	BURG OF A MOTOR VEH, 1ST OFF	NO ACTION PER ICE	SIC
91	05/25/25	05/25/25	A16549A	CAT 1		N/A	N/A	NO		ASSAULT, W/DW	NO ACTION PER ICE	SIC
94	05/25/25	06/07/25	D15982D	CAT 1		N/A	N/A	N/A	N/A	ATT BATTERY BY PRSNR/PNP	NO ACTION PER OFFICER [REDACTED] 6/7/25	SIC
95	05/27/25	05/27/25	A16549A	CAT 1		N/A	N/A	NO		PPROBATION VIOLATION	NO ACTION, SUBJ IS US CITIZEN	SIC
99	05/28/25	05/28/25	M13224A	CAT 1		N/A	05/28/25			OPEN MURDER, E/DW	1205 received 5/28/25	SIC
95	05/29/25	05/29/25	E19546G	CAT 1		N/A	06/25/25			BATTERY R/SBH	No ICE action will be taken per officer [REDACTED] sent on 05/29/2025 @ 1150 /// I-205 RECEIVED	SIC
97	05/29/25	05/30/25	M13224A	CAT 2	05/29/25	N/A				62097 TRAFF SCH I-II C/S, FLNTRZPM/GHB, 100G B	1200 received 5/29/25	SIC
93	05/30/25	05/30/25	M13224A	CAT 2	07/17/25	N/A				SEX ASSAULT	No action per ICE 5/30/25 @ 23:49 // Email rec'd 07/17/2025 @ 1123 hrs.	SIC
99	05/30/25	05/31/25	M13224A	CAT 1		N/A	05/31/25			DOM BATTERY, (1ST)	1205 received 5/31/25	SIC
93	05/31/25	05/31/25	D15982D	CAT 1		N/A	N/A	NO	N/A	BURGLARY OF BUSINESS	NO ACTION PER EMAIL 05/31/25 @ 1747, US CITIZEN	SIC
77	05/31/25	06/01/25	C7264M	CAT 1		N/A	N/A	NO		BWDW	NO ACTION PER ICE	SIC
93	06/02/25	06/02/25	D8159L	CAT 1	06/02/25	N/A				BWDW; AWDW		SIC
78	06/05/25	06/05/25	K17554O	CAT 2	06/05/25	N/A				GRAND LARCENY, SK BUT LT 25K	1200 received 6/5/25	SIC
91	06/05/25	06/05/25	K17554O	CAT 1	06/05/25	N/A				TRAFFIC SCH I, II C/S, FLNTRZPM/GHB, 400+ GRAM	1200 received 6/5/25	SIC
88	06/05/25	06/05/25	K17554O	CAT 2	06/05/25	N/A				GRAND LARCENY, SK BUT LT 25K	2000 received 6/5/25	SIC
97	06/06/25	06/06/25	L13630T	CAT 1						ATT MURDER, E/DW	CANNOT TAKE ACTION @ THIS TIME PER OFFICER [REDACTED]	SIC
79	06/07/25	06/07/25	M13224A	CAT 2		N/A	N/A	NO	N/A	POSS SCH I, II C/S LT 14 GRAMS, 1ST OR 2ND OFF	No action per email 6/7/25 @ 19:47	SOB HA
71	06/07/25	06/07/25	M13224A	CAT 2		N/A	06/07/25			ATT MURDER, E/DW	1205 received 6/7/25	SIC
97	06/07/25	06/08/25	J13969F	CAT 1		N/A	N/A	NO	N/A	BATT R/SBH, RES BURG	LEGAL PERMANENT RESIDENT - NO ACTION PER OFFICER [REDACTED]	SOB HA
94	06/08/25	06/08/25	T8639S	CAT 1		N/A	N/A	NO	N/A	DUI - R/SBH	LEGAL PERMANENT RESIDENT - NO ACTION PER OFFICER [REDACTED]	SIC
92	06/09/25	06/09/25	J13969F	CAT 1	06/09/25	N/A				DOM BATT W/DW, CHILD ABUSE	1-200 received 6/9/25	SIC
96	06/10/25	06/10/25	S19235K	CAT 1		N/A	N/A			COERCION DV W/THREAT OR USE OF PHYSICAL FO	NO ACTION PER ICE OFFICER [REDACTED]	SOB HA
84	06/10/25	06/10/25	D8159L	CAT 1	06/10/25	N/A				AGOR STALKING	1200 RECEIVED 06/10/2025	SIC
88	06/12/25	06/12/25	L13630T	CAT 1		N/A	N/A	NO	N/A	EXPLOIT OLD VULN PERS	No ICE action will be taken PER [REDACTED] / RTN TO CUSTODY 09/08/25	SIC
88	06/14/25	06/15/25	M13224A	CAT 2		N/A	N/A	NO		DESTROY OR INJURE REAL OR PERSONAL PROPERTY	NO ICE ACTION PER OFFICER [REDACTED]	SIC
88	06/15/25	06/15/25	J13988T	CAT 1		N/A	N/A	NO		ATT MURDER, E/DW	NO ACTION PER ICE	SIC
90	06/16/25	06/16/25	S19235K	CAT 2		N/A	N/A	NO		EXPLOIT OLD/VULN PERS - FORGERY	NO ACTION PER ICE USC OFFICER [REDACTED]	SOB HA
71	06/17/25	06/17/25	S19235K	CAT 1		N/A	N/A	NO	NO	HOME INVASION	NO ICE ACTION, LEGAL PERMANENT RESIDENT PER ICE OFFICER [REDACTED]	SIC
88	06/17/25	06/17/25	S19235K	CAT 1		N/A	N/A			ASSAULT W/DW	NO ACTION PER ICE [REDACTED]	SIC
88	06/17/25	06/18/25	T8639S	CAT 1		N/A	N/A	NO	N/A	DOM BATTERY, (1ST)	NO ACTION WILL BE TAKEN PER ICE OFFICER [REDACTED]	SIC
92	06/18/25	06/19/25	L13629D	CAT 1		N/A	N/A	N/A	N/A	ATT MURDER W/DW	SUBJECT IS US CITIZEN - NO ACTION PER ICE [REDACTED] 0308 6/19/25	SOB HA
84	06/19/25	06/19/25	L13630T	CAT 2	06/19/25	N/A				ATT MURDER	1200 RCVD	SIC
91	06/19/25	06/20/25	D15982D	CAT 1	06/20/25	N/A				BATTERY BY PRSNR/PNP	1200 RCVD 6/20/25	SIC
91	06/19/25	06/20/25	D15982D	CAT 1	06/20/25	N/A				SEX ASSAULT AGAINST CHILD LESS THAN 14	1200 RCVD 6/20/25	SIC
92	06/19/25	06/20/25	D15982D	CAT 1		N/A	N/A	N/A	N/A	DOM BATTERY (1ST)	NO INTEREST PER OFFICER [REDACTED] 6/20/25	SIC
93	06/21/25	06/22/25	S9927K	CAT 2		N/A	06/24/25	YES		RES BURG, 1ST OFF	1-205 RECEIVED 06.24.25	10/24/25
70	01/21/25	06/22/25	D15982D	CAT 1		N/A	N/A	N/A	N/A	SEX ASSAULT, W/DW	NO ACTION PER OFFICER [REDACTED] 6/22/25	SIC
70	01/30/24	06/22/25	D15982D	CAT 2		N/A	N/A			OPEN MURDER, E/DW	NO ACTION PER ICE [REDACTED] 06/22/2025	SIC
74	06/02/25	06/22/25	D15982D	CAT 1		N/A	N/A	NO		POSS SCH I, II C/S 42+ GRAMS	NO ACTION PER ICE [REDACTED] 06/22/2025	10/18/25
84	07/26/24	06/22/25	D15982D	CAT 1		N/A	N/A	NO		SEX ASSAULT AGAINST CHILD LESS THAN 14	NO ICE ACTION PER OFFICER [REDACTED] 06/22/25	SIC
93	07/15/25	06/22/25	D15982D	CAT 1		N/A	N/A			BUY/POSS/RCV STOLEN PROP, LT \$1200	NO ICE ACTION PER OFFICER [REDACTED] 06/22/25	SIC
77	05/15/25	06/22/25	D15982D	CAT 1		N/A	N/A			OPEN/CROSS LEWNESS	NO ICE ACTION PER OFFICER [REDACTED] 06/22/25	SIC
93	07/25/24	06/22/25	D15982D	CAT 2	06/22/25	N/A				BATT DOM VIOL ON PREGNANT VIC, 1ST OFF	1247/2020 RCVD ON 06/22/25	SIC
91	06/24/25	06/24/25	S19235K	CAT 1		N/A	06/24/25			COERCION DV W/THREAT OR PSYCAL FORCE	1-205 RECEIVED FROM OFFICER [REDACTED]	SIC
72	06/24/25	06/24/25	C9943F	CAT 1		N/A	06/24/25			AWDW	1-205 RECEIVED 06.24.25	SIC
94	06/25/25	06/25/25	K17554O	CAT 1		N/A	N/A	NO	N/A	DRIVER DISOBEY PEACE OFF, ENDANG OTHER PERS/PROP	1205 RECEIVED 06/26/2025 @ 1530	SIC
96	06/26/25	06/26/25	K17554O	CAT 1		N/A	06/26/25			POSS SCH I, II C/S LT 14 GRAMS, 1ST OR 2ND OFF	1205 RECEIVED 06/26/2025 @ 1530	SIC
94	06/26/25	06/26/25	K17554O	CAT 1		N/A	N/A	NO	N/A	ROBBER E/DW	NO ACTION PER OFFICER [REDACTED] 06/26/2025 @ 1037	SIC
94	06/26/25	06/26/25	K17554O	CAT 1		N/A	N/A	NO	N/A	POSS/RCV/TRNSFR STOLEN VEH	No action per email 6/26/25 @ 18:33	SIC
93	06/26/25	06/27/25	M13224A	CAT 2	06/28/25	N/A				50214 BATTERY R/SBH	No action per email 6/27/25 @ 00:44/FORM 200 RCY'D	SIC
93	06/27/25	06/27/25	S9752M	CAT 1	06/27/25	N/A				LEWNESS W/CHILD < 14, (1ST)	1200 received 6/27/25	SIC
92	06/28/25	06/28/25	S9752M	CAT 1		N/A	06/29/25			POSS/RCV/TRNSFR STOLEN VEH	1205 RECEIVED 06/29/2025	SIC
92	06/29/25	06/29/25	T8639S	CAT 1		N/A	N/A	NO	N/A	CARRY CONCEAL WEAPON W/O PRMT	PER OFFICER [REDACTED] NO ICE ACTION WILL BE TAKEN ON LEGAL PERMANENT RESIDENT	SIC
90	07/01/25	07/01/25	A16549A	CAT 1		N/A	N/A	NO	N/A	BURG OF A BUSINESS	NO ACTION PER ICE [REDACTED] 07/01/25	SIC
91	07/02/25	07/03/25	C7264M	CAT 1		N/A	N/A	NO	N/A	DUI 2ND	SUBJECT IS USC, NO ACTION WILL BE TAKEN 07/03/2025 @ 0518	SIC
95	07/04/25	07/04/25	L13630T	CAT 1		N/A	N/A	NO	N/A	PSV	NO ACTION PER OFFICER [REDACTED]	SIC
79	07/06/25	07/06/25	T8639S	CAT 2		N/A	N/A	NO	N/A	PEIT LARCENY	NO ICE ACTION SUBJECT IS A US CITIZEN PER OFFICER [REDACTED]	SIC
90	02/20/25		N/A	J13969F	CAT 1	07/08/25	N/A			ALLOW CHILD ABUSE/NEGLECT	1-200 RECEIVED 07/08/2025	SIC
94	07/08/25	07/08/25	C7264M	CAT 1		N/A	N/A	NO		SEX ASSAULT	NO ACTION PER ICE	SIC
92	07/08/25	07/08/25	C7264M	CAT 2		N/A	07/09/25	NO		PROBATION VIOLATION	1-205 RECEIVED 7/8/25	SIC
96	07/09/25	07/09/25	K17554O	CAT 1		N/A	N/A	NO	N/A	ATT SEX ASSAULT	NO ICE ACTION WILL BE TAKEN PER OFFICER [REDACTED] 07/09/2025 @ 1348	SIC
96	07/09/25	07/09/25	L13629D	N/A		N/A	N/A	N/A	N/A	DRIVER DISOBEY PEACE OFF, ENDANG OTHER PERS	NO ACTION TAKEN PER ICE [REDACTED] US CITIZEN 0134 7/10/25	SIC
73	07/09/25	07/09/25	L13629D	N/A		N/A	N/A	N/A	N/A	BATTERY R/SBH	ARREST NOTIFICATION FOR REVIEW RE-EMAILED 10/8/25 @ 1106; NO ACTION/LPR PER ICE	SIC
99	07/10/25	07/10/25	L13629D	CAT 1		N/A	N/A	N/A	N/A	SEXUAL ASSAULT	NO ACTION/USC PER ICE [REDACTED] 7/10/25 @ 2341	SIC
99	07/11/25	07/11/25	L13630T	CAT 2		N/A	N/A	N/A	N/A	SEX ASSAULT	NO ACTION PER ICE [REDACTED] 1837 7/11/25	SIC
71	07/13/25	07/13/25	J13969F	CAT 1		N/A	N/A	NO	N/A	DUI - R/SBH	NO ACTION PER ICE OFFICER [REDACTED]	SOB HA
79	07/13/25	07/13/25	J13969F	CAT 1		N/A	N/A	NO		HOME INVASION (1ST)	LEGAL PERMANENT RESIDENT - NO ACTION PER OFFICER [REDACTED]	SIC
98	07/13/25	07/13/25	J13969F	CAT 1	07/13/25	N/A				POSS SCH I,II C/S LT 14 GRAMS	1-247-A AND 1-200 RECEIVED ON 7/13/25	SIC
74	07/16/25	07/16/25	C9943F	CAT 2		N/A	07/17/25			BUY/POSS/RCV STOLEN PROP, LT \$1200	1-205 RECEIVED ON 07.17.25	SIC
95	07/16/25	07/17/25	C9943F	CAT 1		N/A	N/A			ARREST FOR VIOL OF PROBATION/COND OF SUSPE	NO ACTION PER ICE [REDACTED]	SIC
91	07/18/25	07/18/25	S9927K	CAT 1		N/A	N/A			ATT RES BURG 1ST	NO ACTION - SUBJECT IS US CITIZEN - PER [REDACTED]	SIC
96	07/18/25	07/18/25	S9927K	CAT 1		N/A	07/18/25			SELL/TRANS OR ATT SCH 1 OR I C/S, 1ST OFF (x3)	1-205 RECEIVED ON 7/18/25	SIC
99	07/20/25	07/21/25	E6661C	CAT 1		N/A	N/A	NO		DOM BATTERY (1ST)	Lawful permanent resident. No action per ICE [REDACTED]	SIC
90	07/21/25	07/21/25	J13969F	CAT 1		N/A	N/A	NO		CHILD ABUSE/NEGLECT, DOM BATTERY BY STRANG	LAWFUL PERMANENT RESIDENT - NO ACTION PER ICE OLIDEN	SIC
90	07/24/25	07/25/25	M13224A	CAT 1		N/A	07/25/25			ASSAULT, W/DW	1205 received 7/25/25	SIC
91	07/22/25	01/07/00	J13969F	CAT 1	07/28/25	N/A				AWDW-DV	1-200 RECEIVED 7/28/25	SIC
99	07/18/25	07/29/25	A16549A	CAT 2		N/A	N/A	NO	N/A	THEFT, LT \$1200	NO ICE ACTION PER OFFICER [REDACTED]	SIC
92	07/29/25	07/30/25	E6661C	CAT 1		N/A	N/A	NO	N/A	BATTERY W/DW	NO ACTION PER ICE [REDACTED]	SOB HA
71	07/31/25	07/31/25	C7264M	CAT 1		N/A	N/A	NO		DUI 3RD	NO ACTION USC	SIC
90	08/01/25	08/01/25	N17632W	CAT 1		N/A	08/01/25			TRAFF SCH I-II C/S, FLNTRZPM/GHB, 100G BUT LT 4	1205 RECEIVED 08/01/2025 @ 1127	SIC
90	08/01/25	08/01/25	R9959T	CAT 1		N/A	N/A	NO		SEX ASSAULT	NO ACTION PER ICE [REDACTED] 08/01/2025 @ 2031	SOB HA
95	08/03/25	08/03/25	R9959T	CAT 1		N/A	N/A			BATTERY BY PRSNR/PNP	NO ACTION PER ICE [REDACTED] 08/03/2025 @ 0351	SIC
95	08/05/25	08/05/25	N15693H	CAT 1		N/A	N/A	NO		POSS SCH	NO ACTION PER ICE 08/05/2025	SIC
95	08/05/25	08/05/25	N15693H	CAT 1		N/A	N/A	NO	N/A	BURG OF A BUSINESS, FORGERY	LAWFUL PERMANENT RESIDENT, NO ACTION TAKEN PER OFFICER [REDACTED] 08/05/25 AT	SIC
98	08/05/25	08/05/25	T8639S	CAT 1		N/A	N/A			OWN/POSS GUN BY PROHIBIT PERS	NO ACTION AT THIS TIME PER ICE [REDACTED] 08.05.25 @ 2035	SIC
97	08/05/25	08/05/25	T8639S	CAT 1		N/A	08/05/25			TRAFF SCH I, II C/S	1-205 RECEIVED 08.05.25 @ 1718	SIC
90	07/18/25	08/05/25	T8639S	CAT 1		N/A	N/A			BATTERY BY PRSNR/PNP	NO ACTION PER ICE [REDACTED] 08.05.25 @ 1724	SIC
71	08/05/25	08/05/25	C9943F	CAT 1	08/05/25	N/A				TRAFF SCH I, II C/S, FLNTRZPM/GHB, 400	1-200 RECEIVED AT 2328 ON 08.05.25	SIC
95	08/07/25	08/07/25	M13224A	CAT 2		N/A		NO	N/A	POSS SCH I, II C/S LT 14 GRAMS, 1ST OR 2	Permanent resident, no action per officer [REDACTED] 8/7/25 @ 20:04	SIC

35	08/07/25	08/07/25	M13224A	CAT 1	N/A	N/A	NO	N/A	BATT DOM VIOL W/BSH	Permanent resident, no action per office	8/7/25 @ 20:04	SOB HA
37	08/08/25	08/08/25	C7264M	CAT 1	08/08/25	N/A			THEFT	I-200 RECEIVED 8/8/25		SIC
39	08/08/25	08/08/25	C7264M	CAT 1	N/A	N/A	NO		BWDW	NO ACTION PER ICE		SIC
40	08/08/25	08/08/25	M13224A	CAT 1	N/A	N/A	NO	N/A	DUI, ABOVE LEGAL LIMIT, R/BSH	US citizen, no action per ICE	8/9/25 @ 00:24	SIC
48	08/10/25	08/10/25	A16549A	CAT 1	N/A	N/A		N/A	DRIVER DISOBEY PEACE OFF	No action at this time per ICE	08/10/25 @ 08:29	SIC
75	08/10/25	08/10/25	C5180P	CAT 1	08/10/25	N/A			PCS MCHTANT, RES BURG, AWDWDV, OBT/POS	I-200 RECEIVED 08/10/25 @ 20:04		SIC
76	08/10/25	08/10/25	C5180P	CAT 1	N/A	N/A	NO		DUI, MULTIPLE MISSD CHARGES	PER ICE, NO ACTION		SIC
84	08/12/25	08/12/25	J13969F	CAT 1	N/A	N/A			DOM BATTERY (1ST)	LAWFUL PERMANENT RESIDENT - NO ACTION PER ICE		10/24/25
84	08/12/25	08/12/25	J13969F	CAT 1	N/A	N/A			BURG OF BUSINESS, THEFT VALUE >\$1200	US CITIZEN - NO ACTION PER ICE		SIC
88	08/12/25	08/12/25	T8639S	CAT 1	08/12/25	N/A			POSS SCH I, II C/S LT 14 GRAMS, 1ST OR 2ND OFF	I-200 RECEIVED 08.12.25 @ 1811		SIC
87	08/12/25	08/12/25	C9943F	CAT 1	N/A	N/A			DUI, (1ST)-E/WZ	NO ACTION PER ICE	08.13.25 @ 0015	SIC
84	08/13/25	08/13/25	J13969F	CAT 1	08/13/25	N/A			TRAFF SCH I, II C/S 400+ GRAMS; CONSP VIOL UCS	I-200 RECEIVED 08/13/25 @ 1443		SIC
88	08/13/25	08/13/25	J13969F	CAT 1	08/13/25	N/A			TRAFF SCH I, II C/S 400+ GRAMS; CONSP VIOL UCS	I-200 RECEIVED 08/13/25 @ 1538		SIC
89	08/13/25	08/13/25	A16549A	CAT 1	08/13/25	N/A			LURE/ATT TO LURE CHILDMENTALLY I, LPR	I-200 RECEIVED 08/13/25 @ 1643		SIC
89	08/14/25	08/14/25	L13629D	N/A	N/A	N/A	NO	N/A	GRAND LARCENY OF MOTOR VEHICLE 1ST OFF	PER ICE, NO ACTION		SIC
91	08/14/25	08/14/25	L13629D	CAT 2	08/15/25	N/A			ATT BURGLARY OF A STRUCTURE	I-200 AND I-247A FORMS RCVD 8/15/25 @ 0154		SIC
78	08/15/25	08/15/25	N17632W	CAT 1	08/15/25	N/A			DOM BATTERY (1ST)	I-200 AND I-247A FORMS RCVD 08/15/2025 @ 16:58		SIC
78	08/15/25	08/16/25	L13629D	CAT 1	N/A	N/A	NO	N/A	ATT MURDER, E/DW	NO ACTION/USC PER ICE	0047 8/16/25	SIC
82	08/16/25	08/16/25	N17632W	CAT 1	N/A	N/A	NO	N/A	ASSAULT, W/DW	No action, LPR and with no qualifying convictions at this time PER ICE		5/16
83	08/16/25	08/16/25	L13629D	CAT 1	N/A	N/A	NO	N/A	FUGITIVE	PER ICE, NO ICE ACTION/USC 2030 8/16/25		SIC
85	08/16/25	08/16/25	L13629D	N/A	N/A	N/A	NO	N/A	POSS SCH I, II C/S LT 14 GRAMS, 1ST OR 2ND OFF	PER ICE, NO ICE ACTION/LPR 2114 8/16/25		SIC
84	08/16/25	08/17/25	L13629D	N/A	08/17/25	N/A			TRAFF SCH I, II C/S, FLNTR2PM/GHB, 100G BUT LT 4	I-200 AND I-247 RCVD 08/17/25		SIC
79	08/17/25	08/17/25	L13629D	CAT 2	08/17/25	N/A			BURG OF BUSINESS 1ST OFF	I-200 AND I-247 RCVD 0517 8/17/25		SIC
84	08/17/25	08/17/25	C9943F	CAT 1	N/A	N/A			TRAFF SCH I-II C/S, FLNTR2PM/GHB, 100G BUT LT 4	NO ACTION PER ICE	08.17.25 @ 2113	SIC
86	08/17/25	08/17/25	C9943F	CAT 1	N/A	N/A			DOM BATTERY BY STRANGULATION	NO ACTION PER ICE	08.17.25 @ 2345	SIC
90	08/18/25	08/18/25	C9943F	CAT 1	08/18/25	N/A			DUI (2ND)	I-200 RECEIVED 08/18/25		SIC
75	08/13/25	08/18/25	T8639S	CAT 1	08/18/25	N/A			FUGITIVE	I-200 RECEIVED 08/18/25		SIC
91	08/18/25	08/18/25	A16549A	CAT 1	08/18/25	N/A			BATT W/DW	I-200 RECEIVED 08/18/25		SIC
90	08/18/25	08/18/25	A16549A	CAT 1	N/A	N/A	NO	N/A	CHILD ABUSE OR NEGLECT	SUBJECT IS CITIZEN ICE WILL NOT TAKE ANY ACTIN PER OFC		SIC
87	08/18/25	08/18/25	A16549A	CAT 1	N/A	N/A	NO	N/A	FUGITIVE	SUBJECT IS A US CITIZEN AND ICE WILL NOT TAKE ANY ACTION PER OFFICE		SIC
85	08/18/25	08/18/25	C9943F	CAT 1	N/A	N/A			DOM BATTERY, (1ST)	NO ACTION PER ICE	08.18.25 @ 1841	SIC
84	08/18/25	08/19/25	C9943F	CAT 1	N/A	N/A			VIOL DOM VIOLENCE TPO	NO ACTION PER ICE	08.19.25 @ 0026	SIC
89	08/19/25	08/19/25	A16549A	CAT 1	N/A	N/A	NO	N/A	OBT/POSS CR/DIB CARD W/O C-HOLDERS CONSEN	NO ACTION PER ICE	08.19.25 @ 0903	SIC
85	08/19/25	08/19/25	A16549A	CAT 1	N/A	N/A	NO	N/A	DUI (1ST)	NO ACTION PER ICE	08.19.25 @ 0905	SIC
83	08/19/25	08/19/25	A16549A	CAT 1	N/A	N/A	NO	N/A	ATT HOME INVASION	NO ICE ACTION, SUBJ IS LAWFUL PERM RES W/ NO QUALIFYING CONV PER OFC		10/21/25
91	08/19/25	08/19/25	A16549A	N/A	N/A	08/19/25			OPEN/GROSS LEWNESS, (1ST)	ERO DEPORTATION OFFICE	SENT I-205 ON 08/19 @ 1235	SIC
86	08/19/25	08/19/25	A16549A	CAT 1	N/A	N/A	NO	N/A	BATTERY W/DW	NO ICE ACTION SUBJ IS US CITIZEN PER OFC		10/24/25
82	08/19/25	08/19/25	C9943F	CAT 1	N/A	N/A	NO		BATTERY BY STRANGULATION ON PROTECTED PER	NO ACTION PER ICE	08.19.25 @ 2258	SOB HA
89	08/19/25	08/20/25	N17632W	CAT 1	N/A	N/A			DOM BATTERY (1ST)	NO ACTION PER ICE	08.20.25 @ 0838	SIC
81	08/20/25	08/20/25	S9752M	CAT 1	N/A	N/A	NO		PANDERING	PER ICE, NO ACTION		SIC
85	08/20/25	08/20/25	S9752M	CAT 2	08/21/25	N/A	NO		PANDERING	PER ICE, NO ACTION // DISREGARD, I-200 RECEIVED		SIC
85	08/20/25	08/21/25	S9752M	CAT 2	N/A	N/A	NO		DESTROY PROP OF ANOTHER \$250 - \$5K	PER ICE, NO ACTION		SIC
86	08/20/25	08/21/25	S9752M	CAT 2	08/26/25	N/A	N/A	N/A	DUTY TO STOP AT SCENE OF ACNDT /VOPI	PER ICE, NO ACTION 08/21/2025 / I-200 RECEIVED 08.26.25 @ 1938		SIC
85	08/21/25	08/21/25	N17632W	CAT 1	N/A	N/A	NO		LEWNESS W/CHILD LESS THAN 14, (1ST)	AT THIS TIME ICE TAKES NO ACTION SUBJECT IS LPR PER OFFICE	08/21/2025 @ 1	SIC
86	08/21/25	08/21/25	S9752M	CAT 1	N/A	N/A	NO		BATTERY WUSE OF DW	LEGAL RESIDENT/PER ICE NO ACTION		SIC
87	08/23/25	08/23/25	K17554D	CAT 1	N/A	N/A	NO		BATTERY W/DW	NO ACTION PER OFFICE	08/23/2025 @ 904	SIC
86	08/23/25	08/23/25	N17632W	CAT 1	N/A	N/A	NO		DOM BATTERY (1ST)	NO ACTION PER OFFICE	08/23/2025 @ 850	SIC
87	08/24/25	08/24/25	I19388T	CAT 1	N/A	N/A	NO	N/A	FUGITIVE	NO ICE ACTION, LAWFUL PERMANENT RESIDENT WITH NO QUALIFYING CONV PER		SIC
87	08/24/25	08/24/25	I19388T	CAT 1	08/24/25	N/A			THEFT, \$100K+	I-200 RECEIVED 08/24/25 @ 1425		SIC
89	08/24/25	08/25/25	C9943F	CAT 1	N/A	08/25/25			SEX ASSAULT AGAINST CHILD LESS THAN 14	I-205 RECEIVED 08.25.25 @ 0152		SIC
74	08/25/25	08/25/25	I19388T	CAT 1	N/A	N/A	NO	N/A	DUI	NO ACTION PER ICE	@ 0851	SIC
87	08/25/25	08/25/25	A16549A	CAT 1	N/A	N/A	NO	N/A	DUTY TO STOP AT SCENE OF ACNDT /VOPI	NO ICE ACTION PER ICE	08/25/25 @ 1207	SIC
86	08/25/25	08/25/25	A16549A	CAT 1	N/A	N/A	NO	N/A	ATT GRAND LARCENY OF MOTOR VEH, 1ST OFF	NO ACTION PER ICE	08/25/2025 @ 1346	SIC
81	08/26/25	08/26/25	C9943F	CAT 1	N/A	N/A			BURGLARY	NO ACTION PER ICE	08.26.25 @ 2004	SIC
88	08/27/25	08/27/25	I19388T	CAT 1	N/A	N/A			DUI W/PRIOR FELONY DUI	NO ACTION PER ICE		SIC
87	08/27/25	08/27/25	A16549A	CAT 1	08/27/25	N/A			FUGITIVE	I-200 RECEIVED 08.27.25 @ 2121		SIC
84	08/28/25	08/28/25	N17632W	CAT 1	08/28/25	N/A	N/A		DUI (1ST)	I-205/I-247A RECD 08/28/2025 @ 10:04 N17632W		SIC
86	08/28/25	08/28/25	C7264M	CAT 1	08/28/25	N/A			OPEN MURDER, E/DW	I-200 RCD 8/28/25 @2045		SIC
82	08/28/25	08/28/25	C7264M	CAT 1	N/A	N/A	N/A		DOM BATTERY	NO ICE ACTION PER OFC		SIC
89	08/29/25	08/30/25	S9752M	CAT 1	08/30/25	N/A			TRAFFICK 400+ GRMS	I-200 RECEIVED ON 08/30/25		SIC
79	08/30/25	08/30/25	A18107T	CAT 1	N/A	N/A	NO		DOM BATTERY 1ST	PER ICE, NO ACTION WILL BE TAKEN		SIC
73	08/30/25	08/31/25	S9752M	CAT 2	N/A	N/A	NO	N/A	ATT BURG OF MOTOR VEH, 1ST OFF	NO ACTION PER ICE		SIC
85	08/31/25	08/31/25	D15982D	CAT 1	N/A	N/A			DUI	NO ACTION PER ICE		SIC
85	08/31/25	08/31/25	D15982D	CAT 1	N/A	N/A			DUI	NO ACTION PER ICE	08/31/25	SIC
85	09/17/25	09/17/25	E8661C	CAT 1	06/17/25	N/A			DOM BATTERY (1ST)	I-200 AND I-247A FORM RECEIVED 6/17/25		SIC
75	08/28/25	08/31/25	D8159L	CAT 1	NO	NO	NO	NO	TRAFFICK SCH I, II C/S FLNTR2PM/GHB, 400+ GRAN	USC, NO ACTION PER ICE		SOB HA
83	09/01/25	09/01/25	A16549A	CAT 1	N/A	N/A	NO	N/A	POSS SCH I, II C/S	NO ICE ACTION, SUBJECT IS A US CITIZEN PER ICE OFFICE	09/01/25 AT 1007	SIC
84	09/01/25	09/01/25	C9943F	CAT 1	N/A	09/01/25			DOM BATTERY (1ST)	I-205 RECD 9/1/25		SIC
82	09/02/25	09/02/25	A16549A	CAT 1	N/A	N/A	NO	N/A	DUTY TO STOP AT SCENE OF ACNDT /VOPI	NO ACTION PER ICE		SIC
74	09/02/25	09/02/25	I19388T	CAT 1	N/A	N/A	NO	N/A	POSS SCH I, II	NO ACTION PER ICE		SIC
80	09/03/25	09/03/25	L13630T	CAT 1	N/A	N/A	NO	N/A	DOM BATTERY	NO ICE ACTION PER OFFICE	- USC	SIC
80	09/03/25	09/03/25	L13630T	CAT 1	N/A	N/A	NO	N/A	DOM BATTERY	NO ICE ACTION PER OFFICE	- LPR	SIC
79	09/03/25	09/03/2025	J17607A	CAT 1	09/03/25	N/A			LEWNESS W/ CHILD LESS THAN 14, SEXUAL ASSA	I-200 RECEIVED 09/03/25		SIC
85	09/03/25	09/03/25	S9752M	CAT 2	09/03/25	N/A			SELL/TRANS OR ATT SCH III	I-200 RECEIVED 09/03/25		SIC
86	09/03/25	N/A	S9752M	CAT 2	NA	09/03/25			SELL/TRANS OR ATT SCH III	I-205 ALREADY SENT TO US BY ICE		SIC
86	09/03/25	09/03/25	S9752M	CAT 2	NA	NA	NO		GLOF GUN	US CITIZEN PER ICE-NO ACTION		SIC
70	09/03/25	09/04/25	S9752M	CAT 2	NA	NA	NO	N/A	SEXUAL ASSAULT VICTIM UNDER 14	NO ACTION PER ICE		SIC
81	09/03/25	09/04/25	L13630T	CAT 1	N/A	N/A	NO	N/A	DOM BATTERY	NO ICE ACTION PER OFC	- USC	SIC
81	09/04/25	09/04/25	N17632W	CAT 1	09/04/25	N/A			POSS TO SELL SCH III, FLNTR2PM/GHB, (1ST	I-200 RECEIVED 9/4/25		SIC
85	09/04/25	09/04/25	N17632W	CAT 1	N/A	N/A	NO		COERCION DV W/THREAT OR USE OF PHYSICAL FO	NO ACTION PER ICE AGENT		SIC
82	09/04/25	09/04/25	C7264M	CAT 1	09/04/25	N/A			SEXUAL ASSAULT AGAINST CHILD	I-200 RECEIVED 9/4/25		SIC
80	09/04/25	09/04/25	C7264M	CAT 1	N/A	09/04/25			TRAFFICK SCH I-II	I-205 RECEIVED 9/4/25		SIC
73	09/05/25	09/05/25	N17632W	CAT 1	09/05/25	N/A			SEX ASSAULT AGAINST CHILD LESS THAN 14	I-200 RECEIVED 09/05/25		SIC
85	09/05/25	09/06/25	J17607A	CAT 1	N/A	N/A	NO	N/A	CARRY CONCEAL WEAPON W/O PRMT	NO ACTION PER AGENT	/ USC 9-6-25 @ 7:04AM	SIC
84	09/06/25	09/06/25	A18107T	CAT 1	N/A	N/A	NO		DOM BATTERY	NO ACTION PER AGENT	9-6-25 @ 8:42	SIC
89	09/06/25	09/06/25	J17607A	CAT 1	N/A	N/A	NO		DUI R/D	NO ACTION PER AGENT	9-6-25 @ 9:35	SOB HA
82	09/06/25	09/06/25	N17632W	CAT 1	N/A	09/06/25			DOM BATTERY (1ST)	I-205 RECEIVED		SIC
78	09/06/25	09/06/25	S9752M	CAT 2	09/06/25	10/17/25			TRAFF SCH I-II C/S	I-200 RECEIVED 09/06/25 / I-205 RECEIVED		SIC
80	09/07/25	09/07/25	A16549A	CAT 1	09/07/25	N/A			DUI	I-200 RECEIVED 09/07/2025		SIC
85	09/07/25	09/07/25	A16549A	CAT 1	N/A	N/A	NO	N/A	POSS/RCV/TRNSFR STOLEN VEH	NO ACTION PER ICE	09.07.25 @ 1906	SIC
89	09/07/25	09/07/25	C9943F	CAT 1	N/A	N/A	NO	N/A	DUI (1ST)	NO ACTION PER ICE	09.07.25 @ 2046	SIC
89	09/08/25	09/08/25	C9943F	CAT 1	N/A	N/A	NO	N/A	COERC W/FORCE OR THREAT OF FORCE	NO ICE ACTION, SUBJ IS US CITIZEN, PER OFC		SIC
86	09/08/25	09/08/25	A16549A	CAT 1	N/A	N/A	NO	N/A	DUI	NO ICE ACTION, SUBJ IS US CITIZEN, PER OFC		SIC
82	09/08/25	09/08/25	A16549A	CAT 1	N/A	N/A	NO	N/A	ASSAULT, W/DW	NO ICE ACTION, SUBJ IS LPR, PER OFC		SIC
80	09/09/25	09/09/25	M19940I	CAT 1	N/A	N/A	NO	N/A	POSS SCH I, II C/S LT 14GRAMS	NO ICE ACTION PER OFC		SIC

AA300

34	10/12/25	10/12/25	C9943F	CAT 1		10/12/25	N/A			TRAFF FENTANYL MT 42 GRAMS/LT 100 GRAMS	I-200 RECEIVED 10.12.25 @ 2352 / I247 G RECEIVED 10-15-25 @ 1530	SIC
34	10/13/25	10/13/25	C9943F	CAT 1		N/A	N/A			DOM BATTERY (1ST)	NO ACTION PER ICE OFFICER [REDACTED] 10.13.25 @ 0230	SIC
35	10/13/25	10/13/25	C9943F	CAT 1		10/13/25	N/A			RES BURG CONSTITUTING DOM VIOL	I-247A AND I-200 RCVD 0713 10/13/25	SIC
72	10/13/25	10/13/25	L13629D	CAT 1		N/A	10/13/25			DUI, 2ND	I-205 FROM TRANSFERRED FROM NLV 10/13/25	SIC
89	06/28/25	10/13/25	L13629D	CAT 2		10/13/25	N/A			THEFT, \$259 BUT LT \$100K	I-247A AND I-200 RCVD 0713 10/13/25	SIC
91	10/13/25	10/13/25	L13629D	CAT 1		10/13/25	N/A			THEFT, \$100K+	I-200 RECEIVED 10.13.25 @ 1857	SIC
96	10/14/25	10/14/25	C9943F	CAT 1		10/14/25	N/A			POSS SCH I, II C/S LT 14 GRAMS, 1ST OR 2ND OFF	NO ACTION PER ICE OFFICER [REDACTED] 10.14.25 @ 0127; ICE WILL BE TAKING ACTION I-200 RECEIVED 10.14.25 @ 0127	SIC
89	10/14/25	10/14/25	C5180P	CAT 1		N/A	N/A	NO	N/A	PROBATION VIOLATION	PER ICE OFFICER [REDACTED] ICE NOT ACTION - SUBJECT IS A LPR	SIC
91	10/14/25	10/14/25	L13629D	N/A		N/A	N/A	NO	N/A	TRAFF SCH I-II C/S, FLNTR2PM/GHB, 100G BUT LT 4	NO ICE ACTION/FOREIGN BORN USC PER ICE OFFICER [REDACTED] 10/14/25 @ 1044	SOB HA
34	10/14/25	10/14/25	L13629D	CAT 1		N/A	N/A	NO	N/A	SEX ASSAULT AGAINST CHILD - C 14	NO ICE ACTION/INMATE HAS A VALID IR1 PER ICE OFFICER [REDACTED] 10/14/25 @ 1559	SIC
89	10/14/25	10/14/25	C7264M	CAT 1		10/14/25	N/A			DOM BATTERY	I-200 RECEIVED 10.14.25 @ 2346	SIC
36	10/14/25	10/14/25	C9943F	CAT 1		N/A	10/15/25			ARREST FOR VIOL OF COND OF PAROLE	I-205 RECEIVED 10.15.25 @ 0014	SIC
34	10/14/25	10/14/25	C9943F	CAT 1		N/A	N/A			FRAUD USE OF CREDIT/DEBIT CARD W/INTENT TO DEFRAUD	NO ACTION PER ICE OFFICER [REDACTED] 10.14.25 @ 2358	SOB HA
30	10/14/25	10/15/25	C9943F	CAT 1		10/15/25	N/A	YES	10/15/2025 @ 0645	DUI (1ST)	I-200 RCVD 10/15/25	SIC
74	10/15/25	10/15/25	J17607A	CAT1		N/A	N/A	NO		DOM BATTERY 1ST 2 COUNTS	NO ACTION PER ICE OFFICER [REDACTED] SUBJECT IS US CITIZEN	10/22/25
85	10/09/25	10/15/25	J17607A	CAT1		N/A	N/A	NO		61576 ASLT DOM VIOL, W/USE OF DW	NO ACTION PER ICE OFFICER [REDACTED]	SIC
89	10/15/25	10/15/25	C7264M	CAT 1		N/A	N/A	NO		PROBATION VIOLATION	NO ACT PER OFFICER [REDACTED]	SIC
84	10/15/25	10/15/25	C7264M	CAT 1		N/A	N/A	NO		POSS DOC PERS ID	NO ACT PER OFFICER [REDACTED]	SIC
38	10/15/25	10/16/25	C7264M	CAT 1		10/16/25	N/A			PROBATION VIOLATION	I-200 RECEIVED 10/16/25 @ 0257	SIC
31	10/16/25	10/16/25	J17607A	CAT1		10/16/25	N/A			RECKLESS DRIVING R/D/OSBH	I-200 RECEIVED 10-16-2025	SIC
89	10/16/25	10/16/25	J17607A	CAT1		10/16/25	N/A			ROBBERY E/VOIP	I-200 RECEIVED 10/16/25 @ 2134	SIC
89	10/16/25	10/16/25	J17607A	CAT1		10/16/25	N/A			BATTERY W/D/W	I-200 RECEIVED 10/16/25 @ 2133	SIC
97	10/16/25	10/16/25	C7264M	CAT 1		N/A	N/A	NO		DOM BATTERY	NO ACT PER OFFICER [REDACTED]	10/19/25
31	10/16/25	10/17/25	C7264M	CAT 1		10/17/25	N/A			POSS TO SELL	I-200 RECEIVED 10/17/25 @ 0343	SIC
89	10/17/25	10/17/25	J17607A	CAT1		N/A	N/A	NO		DOM BATTERY 1ST	NO ACT PER OFFICER [REDACTED] SUB IS US CITIZEN	10/18/25
31	10/17/25	10/17/25	J17607A	CAT1		N/A	N/A	NO		DOM BATTERY BY STRANGULATION	PER ICE OFFICER [REDACTED] NO ICE ACTION AT THIS TIME 10-18-25	10/18/25
38	10/17/25	10/17/25	J17607A	CAT1		10/17/25	N/A	YES		DOM BATTERY 1ST	I-200 RECEIVED 10/17/25 @ 1254	10/18/25
32	10/17/25	10/17/25	J17607A	CAT1		N/A	N/A	NO		LEWD BY PERS MT 18 IN PRES OF CHILD	NO ACT PER OFFICER [REDACTED] - SUB IS US CITIZEN	SIC
78	10/17/25	10/17/25	J17607A	CAT1		N/A	N/A	NO		OBT/POSS CRUDEB CARD W/O C-HOLDRS CONSEN	NO ACT PER OFFICER [REDACTED] SUB IS US CITIZEN	SIC
75	07/21/22	10/17/25	J17607A	CAT1		N/A	10/17/25			SEX ASSAULT E/D/W	I-205 RECEIVED 10-17-25	SIC
87	10/17/25	10/17/25	J17607A	CAT1		10/17/25	N/A	NO		CHILD ABUSE/ DUI 1ST	I-200 RECEIVED 10/17/25 @ 0343	10/18/25
78	10/17/25	10/17/25	J17607A	CAT1		N/A	10/17/25			TRAFFIC SCH I, C/S, FLNTR2PM/GHB, 400+ GRAM	I-205 RECEIVED 10/17/25	SIC
87	09/09/25	10/17/25	D15982D	CAT 1						DUI		SIC
30	10/18/24	10/17/25	D15982D	CAT 1						SEX ASSAULT AGAINST CHILD LT 14		SIC
74	10/10/24	10/17/25	D15982D	CAT 1						BATTERY ON PROTECTED PERS		SIC
87	06/28/25	10/17/25	D15982D	CAT 2						PETIT LARCENY		SIC
36	06/28/22	10/17/25	D15982D	CAT 1						LEWDNESS W/CHILD LT 14		SIC
87	09/25/25	10/17/25	D15982D	CAT 1						BATTERY W/D/W		SIC
83	06/08/23	10/17/25	D15982D	CAT 1						KIDNAPPING, 1ST DEGREE, E/VOIP		SIC
71	07/27/22	10/17/25	D15982D	CAT 2						ATT MURDER, E/D/W		SIC
71	10/21/21	10/17/25	D15982D	CAT 1						LEWDNESS W/CHILD LT 14		SIC
77	10/01/25	10/17/25	D15982D	CAT 1						DOM BATTERY, (1ST)		SIC
30	10/04/25	10/17/25	D15982D	CAT 1						PROBATION VIOLATION		SIC
30	10/07/25	10/17/25	D15982D	CAT 1						PROBATION VIOLATION		SIC
74	10/17/25	10/17/25	S9752M	CAT 1		10/18/25	N/A	N/A	N/A	DUI 1ST	TRANSFERRED TO LVC JAIL	10/18/25
30	10/17/25	10/17/25	S9752M	CAT 2		10/17/25	N/A	YES	10/19/25 @ 0700	DOM BATT W/D/W R/SBH	I-200 RECEIVED 10/17/25	10/19/25
30	10/17/25	10/17/25	S9752M	CAT 1		N/A	N/A	NO	N/A	DOM BATTERY 1ST	PER ICE AGENT [REDACTED] NO ACTION	10/19/25
37	10/17/25	10/17/25	S9752M	CAT 2		N/A	N/A	NO		ROBBERY W/D/W	NATURALIZED CITIZEN/NO ACTION PER ICE	SIC
31	10/18/25	10/18/25	J17607A	CAT1		N/A	N/A	NO		DUI 1ST	NO ACTION PER ICE OFFICER [REDACTED]	10/18/25
33	10/18/25	10/18/25	J17607A	CAT1		N/A	10/19/25	YES		DUI 1ST	I-205 RECEIVED 10-18-25	10/18/25
35	10/18/25	10/18/25	J17607A	CAT1		N/A	N/A	NO		DUI 1ST	NO ACTION PER ICE OFFICER [REDACTED]	10/18/25
35	10/18/25	10/18/25	J17607A	CAT1		N/A	N/A	NO		BATT DOM VIOL 3RD OFFENSE	NO ACTION PER ICE OFFICER [REDACTED] SUB IS LEGAL PERM RESIDENT	SIC
36	10/18/25	10/18/25	J17607A	CAT1		N/A	N/A	NO		DOM BATTERY	NO ACTION PER ICE OFFICER [REDACTED] SUB IS LAWFUL PERM RESIDENT	10/22/25
39	10/18/25	10/18/25	J17607A	CAT1		N/A	N/A	NO		DUI 1ST	NO ACTION PER ICE OFFICER [REDACTED] SUB IS LAWFUL PERM RESIDENT	10/18/25
35	10/18/25	10/18/25	J17607A	CAT1		10/18/25	N/A			ARREST FOR VIOL PROBATION	I-200 RECEIVED 10-18-25	SIC
34	10/18/25	10/18/25	J17607A	CAT1		10/18/25	N/A	YES	10/18/2025 @ 1708	DUI 1ST	I-200 RECEIVED 10-18-25	10/18/25
33	10/18/25	10/18/25	J17607A	CAT1		N/A	N/A	NO		ARREST FOR VIOL PAROLE	NO ACTION PER ICE OFFICER [REDACTED] SUB IS US CITIZEN	SIC
33	10/18/25	10/18/25	D15982D	CAT 1		N/A	N/A	NO		BATT DOM W/D/W	NO ACTION NO BEDS PER ICE OFFICER [REDACTED]	10/19/25
37	10/18/25	10/18/25	D15982D	CAT 1		N/A	N/A	NO		BATT DOM	I247G RECD 10/19/25 @ 2347	SIC
31	10/18/25	10/18/25	D15982D	CAT 1		N/A	N/A	NO		POSS DAN DRUG W/O PSCRIPT	NO ACTION SUBJECT IS LPR PER OFFICER [REDACTED]	10/20/25
34	10/18/25	10/19/25	D15982D	CAT 1		10/19/25	N/A	YES	10/18/2025 @ 0701	CARRY CONCEAL WEAPON W/O PRMT	I200 RCVD ON 10/19/25 @ 0235	10/20/25
34	10/18/25	10/19/25	D15982D	CAT 1		N/A	N/A			BATTERY	NO ACTION SUBJECT IS IR7 PER OFFICER [REDACTED]	SIC
34	10/19/25	10/19/25	D15982D	CAT 1		N/A	N/A	NO		DOM BATTERY	NO ACTION PER OFFICER [REDACTED]	10/19/25
78	10/19/25	10/19/25	D15982D	CAT 1		10/19/25	N/A	YES		DUI	I-200 RECEIVED 10/19/2025 AT 0711	10/19/25
97	10/19/25	10/19/25	T8639S	CAT 1		N/A	N/A	NO		DOM BATTERY, (1ST)	NO ICE ACTION, SUBJECT IS AN LPR PER OFFICER [REDACTED] 10/19/25 AT 0721	10/21/25
57	10/19/25	10/19/25	T8639S	CAT 1		N/A	N/A	NO		BURG OF A MOTOR VEH, 1ST OFF	CHILD OF USC NO ACTION BY ICE PER OFFICER [REDACTED]	10/20/25
88	10/19/25	10/19/25	S19235K	CAT 1		N/A	N/A	NO		POSS SCH I/II C/S 14 GRMS BUT LT 28 GRMS	NO ACTION SUBJECT IS USC PER OFFICER [REDACTED]	10/19/25
32	10/19/25	10/19/25	S19235K	CAT 1		N/A	N/A	NO		DRIVER DISOBEY PD	NO ACTION SUBJECT IS USC PER OFFICER [REDACTED]	10/19/25
30	10/19/25	10/19/25	S19235K	CAT 1		N/A	N/A	NO		DUI	NO ACTION SUBJECT IS USC PER OFFICER [REDACTED]	10/19/25
36	10/19/25	10/19/25	T8639S	CAT 1		N/A	N/A			ARREST FUGITIVE FROM ANOTHER STATE	I-247 RECEIVED 10/19/25 AT 0947	SIC
36	10/19/25	10/19/25	T8639S	CAT 1		10/19/25	N/A	YES	10/20/25 @ 0701	DOM BATTERY, (1ST)	I-200 RECEIVED 10/19/25 @ 1122	10/20/25
89	10/19/25	10/19/25	S19235K	CAT 1		10/19/25	N/A			DOM BATT BY STRANGULATION	I-200 RECEIVED 10/19/25 @ 1208	SIC
37	10/19/25	N/A	D8159L	CAT 1		10/20/25	N/A	YES	10/20/2025 @ 0701	DOM BATTERY	I247G FORWARDED FROM CITY JAIL I-200 RECEIVED 10/20 @ 0638	10/20/25
30	10/19/25	10/19/25	D8159L	CAT 1		N/A	N/A	NO		DOM BATTERY, (1ST)	NO ACTION PER ICE OFFICER [REDACTED] 10/19/25 @ 1859 // REL TO LVC	10/21/25
51	10/19/25	10/19/25	D8159L	CAT 1		N/A	N/A	NO		DUI (1ST)	NO ACTION, USC PER ICE OFFICER [REDACTED] 10/19/25 @ 2340	10/20/25
81	10/19/25	10/20/25	D8159L	CAT 1		10/20/25	N/A			AWDOW	I200 RECD 10/20/25 @ 0312	10/21/25
57	10/19/25	10/20/25	C9943F	CAT 1		N/A	N/A			DUI (1ST)	NO ACTION PER ICE OFFICER [REDACTED] 10.20.25 @ 0228	10/20/25
89	10/19/25	10/20/25	D8159L	CAT 1		N/A	N/A			DUI (1ST)	USC, NO ACTION PER ICE OFFICER [REDACTED]	10/20/25
33	10/19/25	10/20/25	D8159L	CAT 1						DUI (1ST)		SIC
88	10/20/25	10/20/25	S9752M	CAT 1		N/A	N/A	NO		DUI 2ND	LPR/NO ACTION PER ICE AGENT [REDACTED]	10/22/25
33	10/20/25	10/20/25	S9752M	CAT 1		N/A	N/A	NO		DUI 1ST	USC, NO ACTION PER AGENT [REDACTED]	10/20/25
76	10/19/25	10/20/25	S9752M	CAT 1		N/A	N/A	NO		DOM BATTERY 1ST	NO ACTION PER ICE OFFICER [REDACTED] 10/20/25 @ 1201	10/23/25
36	10/19/25	10/20/25	S9752M	CAT 1		N/A	N/A	NO		CHILD ABUSE	NO ACTION PER ICE OFFICER [REDACTED] 10/20/25 @ 1123	10/20/25
89	10/20/25	10/20/25	S9752M	CAT 1		10/20/25	N/A	YES		DOM BATTERY	I-200 RECEIVED 10/20/2025	10/22/25
31	10/20/25	10/20/25	S9752M	CAT 1		N/A	N/A	NO	N/A	DOM BATTERY	No ICE action at this time, subject is on visitor status still PER ICE OFFICER [REDACTED] 10/20/25 AT 1124	SIC
72	10/20/25	10/20/25	S9752M	CAT 1		10/20/25	N/A	YES		POSS SCH I/II C/S 14 GRMS BUT LT 28 GRMS	I200 RECD 10/20/25 @ 2109	10/20/25
39	10/20/25	10/20/25	S9752M	CAT 1		10/20/25	N/A			DUI 1ST	I-200 RECEIVED	SIC
39	10/20/25	10/20/25	S9752M	CAT 1		N/A	N/A	NO		GRAND LARCENY, \$9K BUT LT \$25K	USC PER ICE OFFICER [REDACTED] NO ACTION	SIC
78	10/20/25	10/20/25	S9752M	CAT 1		N/A	N/A			POSS SCH I/II C/S 14 GRMS BUT LT 28 GRMS	NO ACTION PER ICE OFFICER [REDACTED] 10/20/25 @ 1727	SIC
84	10/20/25	10/20/25	D8159L	CAT 1		10/20/25	N/A			DOM BATTERY STRANGULATION	I200 RECD 10/20/25 @ 2342	SIC
31	10/20/25	10/20/25	C9943F	CAT 1		10/20/25	N/A			PROBATION VIOLATION		SIC
89	10/20/25	N/A	D8159L	CAT 1		10/20/25	N/A			TRAFFIC C/S		SIC
36	10/20/25	10/20/25	C9943F	CAT 1		N/A	N/A			DOM BATTERY (1ST)	NO ACTION PER ICE OFFICER [REDACTED] 10/20/25 @ 2304	SIC
34	10/20/25	10/20/25	C9943F	CAT 1		N/A	N/A			DUI (1ST)	NO ACTION, "UNABLE TO CONFIRM ALIENAGE" PER ICE OFFICER [REDACTED] 10/20/25 @ 2312	10/21/25
38	10/20/25	10/21/25	E6661C	CAT 1		N/A	N/A	NO		DUI (1ST)	NO ACTION PER ICE OFFICER [REDACTED]	10/21/25

AA302

EXHIBIT 2
LVMPD DSD Report
for June 9, 2025

Weekly DSD Immigration Report

Reporting Totals for 6/3/2025 - 6/9/2025		Previous Period Totals	YTD Totals
# Total Immigrants With Qualifying Charges	280	256	1866
# Total Unknowns with Qualifying Charges	12	8	245
# Total Notices Sent	148	116	1593
# I-200 Detainers Recieved	36	22	410
# I-200 Releases	23	21	326
# I-200 Picked Up	17	14	224
# I-200 Released W/O Pick-Up	6	7	102
# I-205 Warrants Recieved	14	8	172
# I-205 Releases	12	8	144
# I-205 Picked Up	9	5	105
# I-205 Released W/O Pick-Up	3	2	39
# I-247 (A/G) Stand-Alone	3	2	28
# I-247 Picked Up	2	1	25
# I-200 Detainers Recieved w/o QA Offense	0	0	0
# I-205 Warrants Recieved w/o QA Offense	0	0	0
Total # of Releases with Neither I-200/I-205	22	17	876

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

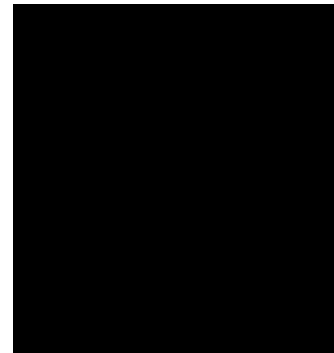


EXHIBIT 3

LVMPD October 23, 2019

Press Release

Las Vegas Metropolitan Police Department

Office of Public Information

400-B S. Martin L. King Blvd. Las Vegas, NV 89106

Office (702) 828-3394 Fax (702) 828-1550



Joseph Lombardo, Sheriff

October 23, 2019

FOR IMMEDIATE RELEASE

Director Carla Alston
Sergeant Miguel Garcia
Officer Larry Hadfield
Officer Aden OcampoGomez
Officer Alejandra Zambrano

LVMPD Will No Longer Detain Persons on Federal Immigration Holds 287(g) Program Suspended

On September 27, 2019, the Central District for California ruled that (1) ICE is enjoined from issuing detainers to state and local law enforcement agencies in states where there is no explicit state statute authorizing civil immigration arrests on detainers and (2) ICE is enjoined from issuing detainers based on probable cause, when the investigation of immigration status and removability consists of only a database search. Nevada does not have a statute authorizing an arrest for a civil immigration violations. LVMPD has analyzed the Court's decision and concluded that it will no longer honor Federal immigration detainers for civil immigration violations. This decision also affects LVMPD's jail-based Memorandum of Agreement with ICE (287(g)). On October 22, 2019, LVMPD gave notice to ICE that it was suspending the Agreement.

The Court's decision is likely to be appealed to the Ninth Circuit Court of Appeals. LVMPD awaits further direction from the appeals court; however, until the uncertainty in the law is clarified, it must cease honoring ICE detainers. LVMPD will continue to work with ICE at the Clark County Detention Center in removing persons without legal status who have committed violent crimes.

"I am optimistic that this change will not hinder LVMPD's ability to fight violent crime" said Sheriff Joseph Lombardo. "While the ruling can be seen as a setback, I am determined that through cooperation with our federal partners the goal of removing the worst of the worst can still be accomplished."

PO 148 10-23-19
LH

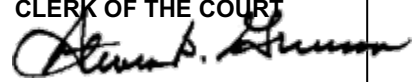
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Don't forget to visit our web sites

www.LVMPD.com or www.ProtectTheCity.com



AA306



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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: III

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

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

MEMORANDUM OF POINTS AND AUTHORITIES¹**INTRODUCTION**

Petitioners fail to satisfy Nevada’s recurrence requirement under *Valdez-Jimenez*.² At the November 26, 2025 hearing, this Court explicitly instructed Petitioners to substantiate alleged recurrence under Nevada law by tying their 957 figure to Nevada cases and Nevada dockets: “At the supplemental stage, I want you to address the recurrence of similar issues—specifically the ‘957’ in the declaration attached as your Exhibit 7 and any Nevada court cases relative to that.”³ Petitioners disregarded this direction. They identify no Nevada cases adjudicating post-release detainer claims, instead relying on descriptive datasets, out-of-state decisions, and historical filings. None of these sources satisfies Nevada’s narrow standard for recurrence or demonstrates that Nevada courts are incapable of resolving similar disputes through ordinary processes.

As a matter of policy and practice, release processing times vary by case and operational conditions. Policy 4.166 and the DSD Releasing Procedures govern the steps Records follows. For example, an inmate released to an inpatient bed is released based on the scheduled transport even when a bed is available earlier that day or the day before. The same is true for foreign born inmates: their release is dictated by the time it takes to process their release and where in the day their processing occurs *vis a vis* ICE’s daily transport. But to be clear, ICE conducts daily pick-ups at the Detention Center and if ICE fails or declines to pick-up a foreign-born inmate during the next ICE pick-up, If DSD proceeds with release. The MOA process operates within the same framework.

Nevada’s capable-of-repetition-yet-evading-review doctrine is Nevada-anchored and applied on a Nevada record. LVMPD now operates under a jail-based Warrant Service Officer (“WSO”) memorandum of agreement pursuant to § 287(g). That program was not operational

¹ Respondents incorporate by reference the exhibits and declarations previously submitted, including Policy 4.166 (Resp’ts’ Ex. B), the DSD Releasing Procedures (Resp’ts’ Ex. D), the Schmidt Declaration, the October 16 email chain (Resp’ts’ Ex. S), and the Weekly DSD Immigration Report (Pet’rs’ Ex. 4).

² *Valdez-Jimenez v. Eighth Judicial Dist. Court*, 136 Nev. 155, 160–61, 460 P.3d 976, 983 (2020).

³ Hr’g Tr. at 36:9–20, Nov. 26, 2025, *on file*.

1 during Mr. Morais-Hechavarria's custody and release, and today's framework, together with the
2 LVMPD Policies and Procedures governing release processing, making Petitioners' invitation to
3 the Court to use this moot cases as a basis for a sweeping advisory opinion even more improper.
4 The record further shows that the version of Policy 4.166 that previously governed this Petition has
5 been updated thus further mooted this case.⁴

6 The DSD Releasing Procedures updated to address the now operational WSO program
7 make clear that a foreign born inmate will be placed on the list for the next scheduled pickup by
8 ICE, and "[i]f ICE does not take the inmate into ICE custody at the time of the scheduled pickup,
9 the inmate will be processed for release as normal."⁵ Operationally, ICE conducts a routine daily
10 pick-up.. If ICE is not prepared to pick-up the inmate or otherwise declines to do so, DSD releases.
11 Simply put, because immigration conducts a routine daily pick-up,, release occurs no later than the
12 following day.

13 Weekly DSD reports confirm those outcomes in practice. The Schmidt declaration
14 confirms that the § 287(g) program was not operational and that no LVMPD employee served or
15 executed an ICE administrative warrant on Petitioner. LVMPD now operates under a jail-based §
16 287(g) WSO memorandum, but that program was not operational during Petitioner's release. No
17 LVMPD employee served or executed an ICE administrative warrant in his case, and all
18 coordination occurred under a prior draft of Policy 4.166 and the DSD procedures. On this record,
19 recurrence has not been proven and the evasion prong fails because Nevada's ordinary procedures
20 suffice. Moreover, under the WSO memorandum, Policy 12.330, and updated Policy 4.166
21 recurrence of these circumstances will not occur because either a foreign born inmate will be
22 picked-up by ICE no later than the following day, or sent to an available inpatient bed as soon as
23 transport becomes available.

24 Petitioners' attempt to rely on a descriptive dataset (Exhibit 1), a pre-Memorandum of
25

26 ⁴ A subsequent policy update further confirms mootness. LVMPD now operates under the current
version of Policy 4.166, attached as **Exhibit A** to this Supplemental Response.

27 ⁵ See Policy 12.330 Warrant Service Officer (WSO) program attached as **Exhibit B** to this
28 Supplemental Response.

1 Agreement report (Exhibit 2), and a 2019 press release (Exhibit 3) underscores their failure to meet
2 Nevada standards and the direction provided by this Court for supplemental briefing. Exhibit 1
3 records outcomes such as “Picked Up” and “Released W/O Pick Up,” which confirm compliance
4 with LVMPD Policy 4.166 in effect at the time of Petitioner’s incarceration. Exhibit 2 predates the
5 § 287(g) memorandum and therefore does not reflect current operations. Exhibit 3 is historical and
6 non-adjudicative. None identifies a Nevada court ruling, nor do they reflect live disputes
7 adjudicated under Nevada law, which is the requirement for demonstrating recurrence. Simply put,
8 despite Petitioners’ repeated reassurances during the November 26th hearing that it could
9 supplement the record with existing Nevada court cases, it has utterly failed to do so.

10 Nevada courts have repeatedly rejected the capable-of-repetition-yet-evading-review
11 exception when petitioners attempt to rely on thin or speculative evidence. In *Olive v. State*, the
12 Court declined the exception where the appellant “failed to provide any evidence or documentation
13 showing that this issue is likely to arise again.”⁶ Similarly, in *Atchison v. State* and *Villadelgado*
14 *v. Bd. of Parole Comm’rs*, the courts denied the exception where the record offered no Nevada-
15 anchored recurrence, reinforcing that Nevada requires live disputes or adjudicated examples within
16 the state.⁷ Petitioners’ volume-based arguments, datasets, and out-of-state citations fall short of
17 that standard.

18 The procedural record further demonstrates why the mootness exception fails. Weekly
19 DSD Immigration Reports confirm that inmates are released when ICE is not present,
20 demonstrating that same-morning, at-window transfers are routine, not exceptional.
21 Contemporaneous emails, including October 16, 2025 communications with ICE, confirm that
22 inmates were processed for release promptly, further undermining claims of recurring unlawful
23

24 ⁶ See *Olive v. State*, No. 82297, 2021 Nev. App. Unpub. LEXIS 872, at *3 (Nev. Dec. 1, 2021).
25 Respondents acknowledge that unpublished dispositions, particularly those that predate January 1,
26 2016, are not binding. See NRAP 36(c)(3). Respondents reference such decisions only for their
persuasive value given the limited Nevada authority on point and the Court’s request for
supplemental briefing.

27 ⁷ See *Atchison v. State*, No. 90027-COA, 2025 Nev. App. Unpub. LEXIS 461 at *2 (Nev. Ct. App.
28 Aug. 29, 2025); *Villadelgado v. Bd. of Parole Comm’rs*, No. 88794-COA, 2024 Nev. App.
Unpub. LEXIS 635 at *1–2 (Nev. Ct. App. Dec. 16, 2024).

1 detainer-only holds. The current record is adequate to resolve the legal questions presented.

2 Even if recurrence could be established, the evasion-of-review prong also fails. Nevada
3 courts refuse to apply the exception when ordinary procedures can resolve disputes or when
4 advisory risks predominate. Even recurring issues do not evade review if they can be addressed in
5 the ordinary course. Here, Petitioners filed an original writ, the Court promptly held a hearing, and
6 it ordered targeted supplemental briefing. In any future case with a live restraint, detainees may
7 pursue emergency injunctive relief, and Nevada rules permit expedited proceedings, ensuring
8 disputes do not evade judicial review. And any further case is unlikely to have both a public
9 defender and representative of the ACLU take no action to redress an alleged claim until a DSD
10 employee, as was the case here, alerted the Court and requested a status conference.

11 Recognizing the absence of legal and factual support, Petitioners ask for an evidentiary
12 hearing to obtain “additional, relevant information” from LVMPD and the Clark County Public
13 Defender’s Office. That is discovery, not a proper basis for an evidentiary hearing in an
14 extraordinary-writ proceeding. Writ relief is not a vehicle for discovery or mini-trials. Those tools
15 belong in ordinary civil litigation brought by an aggrieved party with live claims. The request
16 confirms mootness and impropriety and should be denied along with the Petition.

17 Because Petitioners have not presented Nevada-anchored recurrence, and because Nevada
18 law provides adequate review, the Petition should be denied as moot.

19 ARGUMENT

20 I. Petitioners fail to demonstrate recurrence under Nevada law.

21 The Court made clear its need for supplemental briefing: “But with regard to those cases,
22 *Valdez-Jimenez* specifically said in the opinion that petitioners have provided documents from
23 *other criminal cases in which defendants have raised similar arguments* before the justice or
24 district court about the process of setting bail. So that’s why I’m asking. *I don’t feel like I have*
25 *that before me.*” Hr’g. Tr. at 14:1-7 (emphasis added). Petitioners’ failure to provide the Court
26 with other Nevada cases raising similar arguments is dispositive of this point and compels dismissal
27 under mootness grounds. Nevada’s capable-of-repetition-yet-evading-review exception is narrow,
28

1 Nevada-anchored, and proven on a Nevada record. To invoke this exception, Petitioners must
2 establish “that (1) the duration of the challenged action is relatively short, (2) there is a likelihood
3 that a similar issue will arise in the future, and (3) the matter is important.” *Valdez-Jimenez*, 136
4 Nev. at 158, 460 P.3d at 982. Recurrence must be shown “contextually,” and Nevada courts
5 “typically do not rely on the assurances of the parties alone that an issue will recur.” *Washoe Cnty.*
6 *Hum. Servs. Agency v. Second Judicial Dist. Court*, 138 Nev. 874, 882, 521 P.3d 1199, 1204 (2022)
7 (“*WCHSA*”) (explaining that likelihood is “measured contextually,” including how often the
8 question arises in Nevada’s cases). *Valdez-Jimenez* also makes clear that “Nevada courts are not
9 bound by the federal standard for determining mootness,” which requires recurrence as to “the same
10 complaining party.” 136 Nev. at 160, 460 P.3d at 983 (contrasting *United States v. Sanchez-Gomez*
11 and grounding recurrence in Nevada examples “in three other criminal cases”).

12 At the hearing, this Court directed Petitioners to tie their 957 figure to “any Nevada court
13 cases relative to that.” See Hr’g. Tr. 36:9–20. They identified none. The Petition should be denied
14 as moot. That failure is consistent with Nevada appellate decisions declining the exception on thin
15 showings that lack Nevada-anchored recurrence, including *Atchison v. State* and *Villadelgado v.*
16 *Bd. of Parole Comm’rs*.

17 **A. Petitioners cannot show this dispute is capable of repetition.**

18 Nevada requires a recurrence showing anchored in Nevada law and Nevada records.
19 *Valdez-Jimenez* “clarif[ied]” that recurrence need not involve the same party, but it grounded
20 recurrence in Nevada litigation “illustrated with examples in three other criminal cases” then
21 pending in Nevada courts. 136 Nev. at 160, 460 P.3d at 983. *Johnston* makes the same Nevada-
22 anchored point, holding that the exception applies where the petitioner “identifies three criminal
23 cases in which defendants have raised similar arguments” and the issues “affect many arrestees” in
24 Nevada. *Johnston v. Eighth Judicial Dist. Court*, 138 Nev. Adv. Op. 67, 518 P.3d 94, 100–01
25 (2022).

26 Petitioners make no comparable showing. They identify no Nevada decision adjudicating
27 an unlawful post-release detainer hold and no set of Nevada cases now litigating the same question.
28

1 And they most certainly identify no Nevada decision involving an inmate subject to an inpatient
2 bed and not general release. They instead rely on a releasing dataset, a pre-MOA report, and a 2019
3 press release – none an adjudication, none drawn from Nevada dockets, and none probative of
4 Nevada recurrence.

5 The record shows release processing consistent with Policy 4.166 and the DSD Releasing
6 Procedures in effect at the time Petitioner was a DSD inmate. That Policy 4.166 and the DSD
7 Releasing Procedures set the sequence for release processing. Records is instructed not to provide
8 an approximate time of release and to proceed with releasing the inmate if immigration has not
9 arrived within four hours after confirmation. Resp'ts' Ex. D at 96, 98. That four-hour instruction
10 runs concurrently with release processing. Weekly DSD Immigration Reports track "Released
11 W/O Pick-Up" outcomes, which confirm release when ICE is not present. Pet'rs' Ex. 4 at 1. These
12 procedures further cabin any wait tied to a DHS warrant of removal, reinforcing that criminal
13 custody is not extended for immigration purposes, particularly when the processing of an inmate
14 for release typically well exceeds four hours.

15 The contemporaneous timeline reflects those rules in practice. In August and September,
16 DSD told counsel that county charges and the inpatient order had to be resolved before any transfer
17 to ICE. Resp'ts' Ex. K. On October 16, Records emailed ICE at 6:56 a.m. that the inmate was
18 "processed for release." Twelve minutes later, ICE replied at 7:08 a.m., "We can pick up at 0700
19 with the rest," and ICE took custody at the release window that morning. These timestamps reflect
20 a routine same-morning, at-window handoff during ongoing release processing, not an extension
21 of criminal custody. Those steps occurred while Records was already processing Mr. Morais-
22 Hechavarria for release, and the four-hour safeguard runs concurrently with that processing and
23 requires release if immigration has not arrived within four hours after confirmation. Resp'ts' Ex.
24 S at 1; Schmidt Decl. ¶¶ 19–22. The WSO program "was not operational," ICE had issued no
25 operational authorizations, and no LVMPD employee "served or executed an ICE administrative
26
27
28

1 warrant.”⁸ Schmidt Decl. ¶¶ 16–18, 24–25. DSD issued refresher guidance to reinforce the
2 directive. *Id.* ¶ 36.

3 For context, LVMPD now operates under a jail-based § 287(g) memorandum while
4 continuing to follow updated Policy 4.166’s rule and the DSD Policy 12.330. When read together
5 those policies make clear that ICE must either pick-up an inmate during its very next pick-up
6 window or the inmate will be released. Release-window coordination is not unique to the MOA
7 process. DSD routinely coordinates timed releases or transfers in other settings – such as
8 interjurisdictional warrants from Las Vegas, the City of Henderson, or North Las Vegas, and
9 court-ordered inpatient treatment beds that have daily pick-ups – without extending criminal
10 custody. The transfer occurs at the release threshold. If the receiving authority is not present within
11 the applicable operational parameters, DSD proceeds with release. The MOA process functions no
12 differently.

13 Petitioners’ exhibits do not establish recurrence of an inmate scheduled for inpatient
14 treatment. Their Supplement relies on three items: a weekly jail-release dataset (Exhibit 1), a DSD
15 report (Exhibit 2), and a 2019 press release (Exhibit 3). Exhibit 2 predates any operations under
16 the § 287(g) memorandum now in operation, and contemporaneous records show coordination
17 solely under Policy 4.166 and the DSD procedures. None constitutes a Nevada court decision,
18 adjudicates unlawful post-release detainer holds, or identifies multiple live Nevada controversies
19 presenting the same justiciable issue.

20 The dataset in Exhibit 1 is descriptive, not adjudicative. It records operational notifications
21 and outcomes rather than legality. Its labels show how the no-delay rule works: “Picked Up”
22 denotes an at-window federal assumption of custody when ICE is present at release; “Released
23 W/O Pick Up” denotes release when ICE is not present and there is no federal judicial warrant.
24 Pet’rs’ Ex. 4 at 1; Resp’ts’ Ex. D at 96, 98. Those entries reflect policy-compliant outcomes, not

25 ⁸ At the time of Petitioner’s release, the WSO program was not operational; DSD followed Policy
26 4.166 and the Releasing Procedures in effect at that time. LVMPD has since reaffirmed and
27 clarified those directives. The current implementation continues to require either an at-window
28 handoff if immigration is present during release processing or release if immigration is not present
within four hours after confirmation and there is no federal judicial warrant.

1 LVMPD detentions beyond criminal release. The dataset’s “no action” and “not amenable for
2 removal” entries are individualized federal determinations at the threshold, which likewise do not
3 evidence a post-release LVMPD hold. Exhibit 2 predates any WSO operations and records no
4 actual operations under the MOA. Exhibit 3 is historical, non-adjudicative, and detached from any
5 present, recurring Nevada dispute. None of these materials supplies the Nevada litigation examples
6 that *Valdez-Jimenez* and *Johnston* contemplate.

7 Exhibit 1’s offense- and outcome-level entries reflect serious, high-harm offenses and that
8 ICE applies individualized, status-based discretion. Each of these crimes constitutes grounds for
9 removal, 8 U.S.C. § 1227(a)(2), and falls directly within the federal government’s “plenary power
10 over immigration.” See *Rohit v. Holder*, 670 F.3d 1085, 1087 (9th Cir. 2012); *Kleindienst v.*
11 *Mandel*, 408 U.S. 753, 766, 92 S. Ct. 2576 (1972) (“The Court without exception has sustained
12 Congress’ plenary power to make rules for the admission of aliens and to exclude those who possess
13 those characteristics which Congress has forbidden.”); *United States v. Navarro*, 218 F.3d 895, 898
14 (8th Cir. 2000) (“Congress has virtually plenary power over immigration matters, and it has the
15 right to determine the conditions upon which noncitizens are allowed to remain in this country.”).
16 Homicide and sexual-offense cases show lawful threshold pickups for public-safety offenders
17 rather than detainer-only custody. Kidnapping, robbery, and violent-assault cases display targeted
18 coordination for high-harm offenders rather than any systemic detainer practice.
19 Domestic-violence, child-protection, property, weapons, and drug-trafficking matters reflect
20 routine jail-management coordination with federal discretion applied at the release threshold. DUI
21 cases likewise demonstrate pickups when ICE is present. Across categories, Exhibit 1 repeatedly
22 records “no action” for U.S. citizens or lawful permanent residents and “not amenable for removal,”
23 confirming individualized federal determinations rather than a recurring unlawful detainer policy.

24 ///

26 ///

Category	Sample Charges (Ex. 1)	ICE Outcome Pattern (Ex. 1)
Homicide	Open murder and attempted murder with a deadly weapon	I-200 or I-205 recorded, and some entries show “no action” for U.S. citizens or lawful permanent residents
Sexual offenses against children	Sexual assault of a child under 14 and lewdness with a child under 14	I-200 or I-205 recorded, and frequent entries show “no action” for U.S. citizens or lawful permanent residents
Kidnapping	Kidnapping of a minor and first-degree kidnapping	I-200 recorded, and some entries show “no action” for lawful permanent residents
Robbery and violent assault	Robbery with a deadly weapon and battery causing substantial bodily harm	A mix of I-200 and related notations, with many entries showing “no action” for U.S. citizens or lawful permanent residents
Domestic violence and child protection	Domestic battery, domestic violence by strangulation, and child abuse	I-200 recorded, with multiple entries showing “no action” for U.S. citizens or lawful permanent residents
Burglary and property crimes	Residential burglary, home invasion, and high-value theft	I-200 or I-205 in some entries, with many entries showing “no action” for U.S. citizens or lawful permanent residents
Weapons	Carrying a concealed weapon without a permit and other deadly weapon offenses	I-200 recorded, with multiple entries showing “no action” for U.S. citizens or lawful permanent residents
Drug trafficking and possession	Fentanyl trafficking at various weight tiers and possession under 14 grams	I-200 or I-205 recorded, and some entries note “not amenable for removal”
DUI and related	DUI with substantial bodily harm and prior felony DUI	Some I-200 notations, with many entries showing “no action” for U.S. citizens or lawful permanent residents

These patterns confirm that the dataset is descriptive and consistent with Policy 4.166’s no-delay rule. They show contemporaneous federal pickups for serious public-safety offenses when ICE is

1 present and release without pickup when ICE is not present and no judicial warrant exists. They
2 also show frequent individualized federal decisions – “no action” and “not amenable for removal”
3 – that are incompatible with any theory of systemic, post-release LVMPD detainer holds. In short,
4 Exhibit 1 does not evidence recurrence as Nevada measures it. It corroborates policy compliance
5 and individualized federal discretion at the release threshold.

6 Exhibit 2 predates any WSO operations and records no actual operations under the MOA.
7 Exhibit 2 is a pre-MOA DSD report that predates any WSO operations. Exhibit 3 is historical,
8 non-adjudicative, and detached from any present, recurring Nevada dispute. None of the
9 Supplemental Brief’s exhibits identify Nevada detainer litigation or supply the Nevada case
10 examples that *Valdez-Jimenez* and *Johnston* contemplate. These materials therefore reinforce the
11 core point. Petitioners have not shown recurrence on a Nevada record. *WCHSA* instructs courts to
12 measure recurrence “contextually,” i.e., by how commonly the same issue pervades Nevada’s
13 docket. 138 Nev. at 882, 521 P.3d at 1204. Petitioners’ unadjudicated volume does not satisfy that
14 Nevada standard.

15 Nevada precedent confirms that an unadjudicated, speculative showing does not justify the
16 exception. In *Olive v. State*, for instance, the exception was declined where the appellant “failed to
17 provide any evidence or documentation” that the issue was likely to recur. 136 Nev. at 160, 460
18 P.3d at 983; 2021 Nev. Unpub. LEXIS 872, at *3. In *Atchison v. State*, the Court of Appeals
19 similarly denied the exception where the petitioner “has not demonstrated that this issue is likely
20 to arise again in Nevada courts,” and contrasted the thin showing with *Valdez-Jimenez*’s Nevada
21 examples. 2025 Nev. App. Unpub. LEXIS 461, at *2. Further, in *Villadelgado v. Bd. of Parole*
22 *Comm’rs*, the Court of Appeals declined the exception in a fact-bound parole-conditions dispute,
23 underscoring that recurrence must be grounded in Nevada’s dockets rather than speculation. 2024
24 Nev. App. Unpub. LEXIS 635, at *1–2.

25 The Nevada Supreme Court showed the same discipline in *State Bd. of Parole Comm’rs v.*
26 *Valentine*, calling recurrence “a closer call” but dismissing the case as moot to avoid an advisory
27 opinion. *State Bd. of Parole Comm’rs v. Valentine*, No. 83601, 2024 Nev. Unpub. LEXIS 252 at
28

*2–3 (Nev. Mar. 28, 2024). It did the same in *Francisco v. Aguilar* while noting prospective relief could be sought in a proper case. No. 88965, 2024 Nev. Unpub. LEXIS 674 at *1–2 (Nev. Aug. 19, 2024). While unpublished and cited for their persuasive value, these orders consistently deny the exception on thin records and guard against advisory rulings. See *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (“A controversy must be present through all stages of the proceeding.”); see also *Chittenden v. Justice Court of Pahrump Twp.* No. 86450-COA, 544 P.3d 919 (Nev. Ct. App. Jan. 25, 2024) (reflecting Nevada’s narrow use of the exception and reaffirming the need for a live controversy).

On this record, Petitioners have not proven recurrence. They offer no Nevada adjudications and no cluster of live Nevada cases presenting the same issue, while the record – Policy 4.166, the DSD procedures, the weekly report, the October 16 emails, and the Schmidt declaration – shows a no-delay policy executed at the release threshold. That conclusion follows *Valdez-Jimenez’s* Nevada-examples requirement and *Olive’s* insistence on record documentation that the issue will arise again. 136 Nev. at 160, 460 P.3d at 983; 2021 Nev. Unpub. LEXIS 872, at *3.

Petitioners’ reliance on Nevada authorities that discuss ubiquity within a larger case category does not alter the analysis. It is true that Nevada recognizes recurrence when a legal issue pervades a defined docket, such as bail hearings, pretrial release procedures, or child-welfare proceedings. *Valdez-Jimenez*, *Johnston*, and *WCHSA* illustrate that point. But each of those cases involved a Nevada docket category paired with a Nevada record that showed the same issue being litigated across Nevada cases. Petitioners do not present anything comparable and certainly nothing remotely similar to an inmate waiting for transport to his inpatient bed. Their submission focuses on a single, completed transfer that the record shows followed Nevada’s no-delay rule, and they add a dataset that records outcomes but does not adjudicate legality. That is not a Nevada docket demonstration of recurrence.

Two recurring themes in Petitioners’ presentation confirm why recurrence fails. First, they ask the Court to treat unadjudicated volume as a proxy for recurrence. Nevada does not do that. Nevada looks for either adjudications or a Nevada docket category where the legal question is

1 manifestly recurring. Second, they rely on out-of-state decisions and out-of-state dockets to imply
2 a trend. But Nevada recurrence turns on Nevada law and Nevada records. Non-Nevada materials
3 are not evidence that Nevada courts are repeatedly facing the same legal issue. The
4 capable-of-repetition prong therefore fails on Nevada’s test and on this record.

5 **B. Petitioners failed to show that this dispute evades review in Nevada.**

6 Even if Petitioners could establish recurrence, which they cannot, Nevada law requires a
7 showing that the challenged conduct would evade judicial review if the Court declines to reach it
8 now. That showing is absent here. Nevada declines the exception when ordinary processes can
9 resolve future disputes or when advisory risks predominate. In *Building & Constr. Trades Council*
10 *of N. Nev. v. Carson City School District*, the Court recognized that an issue may recur but refused
11 the exception because “even if the matter is an issue of widespread importance and is capable of
12 repetition, the issue must also be ‘evading review,’” and it was not clear that the action was too
13 short to be litigated. *Bldg. & Constr. Trades Council of N. Nev. v. Carson City Sch. Dist.*, No.
14 57730, 2012 Nev. Unpub. LEXIS 1625, at *5–6 (Nev. Nov. 29, 2012). The Court reached the same
15 conclusion in *Clark County v. Citizen Outreach, Inc.*, emphasizing that the exception is not a
16 vehicle for issuing advisory pronouncements when standard procedures exist to adjudicate disputes
17 in the ordinary course. No. 59166, 2012 Nev. Unpub. LEXIS 1614 at *3–4 (Nev. Nov. 28, 2012).

18 More recently, in *State Bd. of Parole Comm’rs v. Valentine*, the Nevada Supreme Court
19 described recurrence as a “closer call” but still declined to reach the merits because the risk of
20 issuing an advisory opinion outweighed any justification for invoking the exception. No. 83601,
21 2024 Nev. Unpub LEXIS 252 at *2–3 (Nev. Mar. 28, 2024). In *Francisco v. Aguilar*, the Court
22 dismissed the case as moot and pointed to prospective relief available through ordinary procedures,
23 again declining to stretch the exception beyond its narrow bounds. No. 88965, 2024 Nev. Unpub.
24 LEXIS 674 at *1–2 (Nev. Aug. 19, 2024). And in *WCHSA*, the Court reiterated that when there is
25 a clear path to judicial or appellate review, Nevada courts do not apply the exception. 138 Nev. at
26 882, 521 P.3d at 1204. Indeed, Nevada courts will not presume future violations to sustain the
27 exception, declining to indulge predictions that would manufacture recurrence. *Newell v. State*

1 *Dep't of Corr.*, No. 75913, 2019 Nev. Unpub. LEXIS 1375 at *2 (Nev. Dec. 19, 2019); *see also*
2 *Farmers Against Curtailment Order v. King*, No. 15-CV-00227, 2016 Nev. Dist. LEXIS 498 (Nev.
3 3d Jud. Dist. Court, Lyon County Dec. 31, 2015) (recognizing that when “mechanisms within the
4 party’s and court’s control” permit expedited resolution, similar disputes do not evade review).
5 Those principles track what happened here: Petitioners filed an original writ, the Court held a
6 hearing, and the Court directed targeted supplemental briefing. In any future case with a live
7 restraint, detainees can seek emergency habeas or injunctions and obtain prompt hearings.

8 The procedural posture of this case shows exactly why the evasion prong fails. Petitioners
9 invoked habeas corpus, which Nevada law recognizes as a plain, speedy, and adequate vehicle to
10 test alleged unlawful restraints on liberty. The Court promptly held a hearing, engaged with the
11 merits, and ordered targeted supplemental briefing on recurrence. The only delay was caused by
12 Petitioner himself: if he truly believe there was an illegal, monthslong delay than it should not have
13 waited months before seeking judicial review. Either way, Petitioner cannot now use his own
14 dilatory conduct to claim this is a case that evades review. That schedule confirms Nevada courts
15 can adjudicate similar disputes quickly and on a developed record. In any future case with a live
16 restraint, a detainee can seek emergency relief through individualized habeas or injunctive
17 proceedings. Nevada rules permit expedited briefing and prompt hearings. There is no structural
18 barrier to review. Respondents raised the issue directly with the Honorable Judge Clark Newberry
19 in Department XXI when it arose in the underlying criminal case, not Petitioners. If promptly
20 presented by an inmate’s counsel in a future case, Nevada’s existing habeas and injunctive
21 mechanisms provide plain, speedy, and adequate avenues for review. Even if a question may recur,
22 it “ultimately will not evade review,” and the Court will address it when a proper case presents a
23 live controversy. *Ramsay v. State*, No. 86569, 2024 Unpub. LEXIS 943, at *2–3 (Nev. Dec. 9,
24 2024).

25 Petitioners’ voluntary-cessation rhetoric does not change this analysis. This case mooted
26 in the ordinary course under updated Policy 4.166 and the updated DSD procedures.

27 Next, Petitioners’ reliance on out-of-state authority further underscores the weakness of
28

1 their evasion argument. *Ramon v. Short* applied Montana’s public-interest exception on a Montana
2 record that documented multiple concurrent cases and a statewide detainer practice, including a
3 Montana-specific theory that refusal to release on posted bond constituted a new arrest. 2020 MT
4 69, ¶¶ 4–7, 24–26, 460 P.3d 867, 870–75 (Mont. 2020). *People ex rel. Wells v. DeMarco* turned
5 on New York statutes defining state-law civil arrest authority and characterized post-release
6 detainer custody as a New York civil arrest. 168 A.D.3d 31, 35–43, 88 N.Y.S.3d 518, 523–28
7 (2018). *Gonzalez v. ICE* addressed California-specific statutory and constitutional limits, including
8 detainers lacking probable cause under California law. 416 F. Supp. 3d 995, 1015 (C.D. Cal. 2019).
9 None speaks to whether Nevada’s writ and expedited procedures can and do resolve Nevada
10 release-threshold disputes. The second prong is not met. *See Oancea v. Cabo Platinum, LLC*, No.
11 89030, 2025 Nev. Unpub. LEXIS 336, at *2 (Nev. May 12, 2025) (“This court’s duty is ... to
12 resolve actual controversies by an enforceable judgment.”).

13 The Court should hold that similar disputes do not evade review in Nevada, given the
14 availability and use of habeas and expedited procedures here, and the advisory opinion risks Nevada
15 law avoids. Petitioners’ own request for an evidentiary hearing to obtain “additional, relevant
16 information” concedes that ordinary litigation tools, not extraordinary writ proceedings, are the
17 proper vehicle. That acknowledgment defeats any claim that similar disputes evade review in
18 Nevada. Because Petitioners have not carried their burden on either recurrence or evasion, the
19 capable-of-repetition-yet-evading-review exception does not apply. The Petition should be denied
20 as moot.

21 **II. Even if recurrence were shown, ACLU is not an appropriate party and lacks**
22 **associational standing.⁹**

23 Standing is an independent barrier that warrants dismissal. Petitioners’ evidentiary-hearing
24 request underscores that individualized proof and party-specific discovery would be required,
25

26 ⁹ Although the Court limited supplemental briefing to mootness, Petitioners’ Supplemental Brief
27 raised an issue that, if left unanswered, risks confusion about LVMPD’s current policy and practice.
28 *See Pet’rs’ Supp. Br.* at n. 1. We briefly address it to clarify the record. If the Court views it as
beyond scope, the Court may disregard it without prejudice to Respondents’ position.

1 confirming that this extraordinary petition, filed without an aggrieved party with live claims, is not
2 the proper vehicle.

3 Mandamus requires a “direct and substantial” beneficial interest and is reserved for litigants
4 with a personal stake and no plain, speedy, and adequate remedy at law. *Heller v. Legislature of*
5 *Nev.*, 120 Nev. 456, 460–61, 93 P.3d 746, 749 (2004). Nevada’s public-importance standing
6 doctrine is narrow. In *Schwartz v. Lopez*, the Nevada Supreme Court recognized a limited
7 exception for constitutional challenges to legislative expenditures or appropriations brought by an
8 appropriate party in cases of significant public importance. 132 Nev. 732, 743, 382 P.3d 886, 894–
9 95 (2016). In *Nevada Policy Research Institute v. Cannizzaro*, the Court modestly extended the
10 exception to some separation-of-powers disputes. It held that public-importance standing may exist
11 “when an appropriate party seeks to enforce a public official’s compliance with Nevada’s
12 separation-of-powers clause,” and only when recurrence and the need for guidance are both shown.
13 138 Nev. 259, 262, 507 P.3d 1203, 1207–08 (2022). *Cannizzaro* also reaffirmed that
14 “appropriateness” remains a meaningful screen that asks whether there is “a plaintiff more directly
15 affected by the challenged conduct in question who has or is likely to bring suit.” *Id.* at 266, 507
16 P.3d at 1210–11. And mandamus relief is unavailable where a “plain, speedy and adequate
17 remedy” otherwise exists. NRS 34.170.

18 Here, the best-positioned litigants are detainees who face an actual restraint at the release
19 threshold. They have a plain, speedy, and adequate remedy in habeas. They can and do seek
20 expedited relief from Nevada courts, as this case shows. Petitioners have not presented a
21 separation-of-powers claim of controlling necessity. They have not shown Nevada-specific
22 recurrence of the same legal issue. On this record, the ACLU is not an appropriate party under
23 *Schwartz* and *Cannizzaro*. See *Cannizzaro*, 138 Nev. at 266, 507 P.3d at 1210–11.

24 Associational standing is an additional hurdle Petitioners cannot clear. Nevada recognizes
25 associational standing only when neither the claims nor the requested relief requires participation
26 of the association’s members. *Nat’l Ass’n of Mut. Ins. Cos. v. State, Dep’t of Bus. & Indus.*, 139
27 Nev. Adv. Op. 3, 524 P.3d 470, 476, 478 (2023) (“*NAMIC*”). Petitioners seek broad programmatic
28

1 declarations that would turn on detainee-specific facts. Those facts include the timing of release,
2 the presence or absence of ICE agents at the window, the existence of a federal judicial warrant,
3 the content and timing of any DHS administrative instrument, and the posture of the detainee's
4 criminal case. Those are not abstract legal questions and the policies applicable to Petitioner are
5 no longer all the same given the current operation of the WSO Memorandum. They are fact-
6 intensive inquiries that would require participation by specific detainees, under operative policies,
7 and the resolution would be individualized.

8 That is exactly the kind of relief that defeats associational standing. *NAMIC* explains that
9 when adjudication "requires the participation of individual members," associational standing is not
10 available. 524 P.3d at 478. The ACLU therefore should be dismissed even if the Court were to
11 reach standing after rejecting the mootness exception. This conclusion is reinforced by NRS
12 34.170's adequacy bar and *Personhood*'s prohibition on advisory opinions, which together counsel
13 against programmatic declarations divorced from a live Nevada controversy.

14 CONCLUSION

15 For these reasons, the Court should deny the Petition as moot because the
16 capable-of-repetition-yet-evading-review exception does not apply. The Court should also deny
17 Petitioners' request for an evidentiary hearing because it seeks discovery inappropriate to this writ
18 posture and, if desired, belongs in a traditional civil action brought by an aggrieved party with live
19 claims.

20 Dated: January 6, 2026.

SNELL & WILMER L.L.P.

21
22 By: /s/ Alex Fugazzi

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27 *Department and 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 January 6, 2026, I caused to be served a true and correct copy of the foregoing **RESPONDENTS' RESPONSE TO SUPPLEMENTAL BRIEFING IN SUPPORT OF 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



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: 2/2025, 12/2025

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. The department 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.

Nevada peace officers have the authority to assist in enforcing federal laws. However, except as detailed herein, LVMPD officers will not enforce immigration violations, stop and question, detain, arrest, or place an immigration hold on any individuals on the grounds they are an undocumented immigrant. LVMPD will share criminal intelligence regarding transnational organized crime and international terrorism with all law enforcement agencies, including 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 and ICE have a Memorandum of Agreement (MOA) titled Warrant Service Officer Program pursuant to Section 287(g) of the Immigration and Nationality Act (see [8 U.S.C. § 1357\[g\]](#)). In accordance with the MOA, credentialed corrections officers who have been trained and certified by ICE under the MOA have the authority to serve warrants of arrest for immigration violations and removal on designated inmates at the time of their scheduled release from criminal custody (see [8 USC § 1357\[a\]](#) and [8 CFR 287.5\[e\]\[3\]](#)).

The purpose of this collaboration is to promote public safety by facilitating the custodial transfer of designated inmates to ICE at the time of the inmate's scheduled release from criminal custody. If the designated inmate is not taken into custody by ICE at the time of their scheduled release, DSD will release the inmate. (2/25, 12/25)■

EXHIBIT B



LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DSD STANDARD OPERATING PROCEDURES

DSD SOP: 12.330, *Warrant Service Officer (WSO) Program*
Chapter: 3 - Institutional Programs and Services
Revised: 12/2025
Annual Review: 6/2026

12.330 Warrant Service Officer (WSO) Program

- 12.330.1 Policy and Overview
- 12.330.2 References
- 12.330.3 Procedures

12.330.1 Policy and Overview

LVMPD and Immigration and Customs Enforcement (ICE) have a Memorandum of Agreement (MOA) titled Warrant Service Officer Program pursuant to Section 287(g) of the Immigration and Nationality Act (see [8 U.S.C. § 1357\(g\)](#)). In accordance with the MOA, credentialed corrections officers who have been trained and certified by ICE under the MOA have the authority to serve warrants of arrest for immigration violations and removal on designated inmates at the time of their scheduled release from criminal custody (see [8 USC § 1357\(a\)](#) and [8 CFR 287.5\(e\)\(3\)](#)).

12.330.2 References

LVMPD Policy [4.166, U.S. Immigration and Customs Enforcement \(ICE\) Notifications](#)

12.330.3 Procedures

[DSD Records](#)
[Warrant Service Officers \(WSO\) and Forms Processing](#)

DSD Records

In accordance with LVMPD Policy [4.166, U.S. Immigration and Customs Enforcement \(ICE\) Notifications](#), DSD Records will:

1. Notify ICE at the time of both booking and release of any foreign-born individual arrested and charged with:
 - a. any felony,
 - b. domestic violence,
 - c. driving under the influence (DUI),
 - d. burglary,
 - e. theft,
 - f. larceny,
 - g. petit larceny, and/or
 - h. assault of a law enforcement officer.
2. Receive warrant notifications from ICE regarding warrants of arrest for immigration violations and warrants of removal for inmates.

12.330	LAS VEGAS METROPOLITAN POLICE DEPARTMENT DSD STANDARD OPERATING PROCEDURES <i>Warrant Service Officer (WSO) Program</i> Effective: 12/2025
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3. If a Form I-200 or Form I-205 received from ICE requires service, Records will place the Form I-200 or Form I-205 in the inmate's file for service upon receipt of release documents from court/bail.
4. Upon receipt of release documents, Records will notify an on-duty WSO to serve the Form I-200 or Form I-205.
5. Records will again notify ICE that the Form I-200 or Form I-205 will be served and that the inmate is being worked up for release.

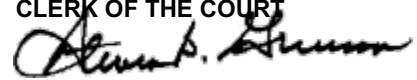
Warrant Service Officers (WSO) and Forms Processing

In accordance with LVMPD Policy [4.166, U.S. Immigration and Customs Enforcement \(ICE\) Notifications](#), and the MOA, a Warrant Service Officer will, after being notified by DSD Records of the Form I-200 or Form I-205 requiring service upon a designated inmate:

1. Obtain the Form I-200 or Form I-205 from Records;
2. Locate designated inmate in ELITE, respond to the inmate's housing, and serve the Form I-200 or Form I-205 to the inmate per ICE training;
 - a. WSO will ensure communication with the inmate is understood using language skills or the Language Line;
3. Return the signed Form I-200 or Form I-205 from a WSO, DSD Records will:
 - a. Place the signed Form I-200 or Form I-205 in the designated inmate's file;
 - b. Notate in ELITE that the served Form I-200 or Form I-205 exists and the time the Form I-200 or Form I-205 was served;
 - c. Place inmate on the list for the next scheduled pickup by ICE;
 - 1) If ICE does not take the inmate into ICE custody at the time of the scheduled pickup, the inmate will be processed for release as normal.
4. Any anomalies not covered by this SOP shall be notified up to chain of command to the Captain or Director level.

FRED HAAS, ASSISTANT SHERIFF
DETENTION AND ADMINISTRATIVE
SERVICES GROUP

FH:mm



RPLY

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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: III

**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**

Petitioners, American Civil Liberties Union of Nevada ("ACLU of Nevada") and Sergio Morais-Hechavarria, hereby submit this Reply to Respondents' Response to Supplemental Briefing in Support of Petition for Writ of Mandamus or, in the alternative, Petition for Writ of Habeas Corpus.

This reply is supported by the following memorandum of points and authorities, the pleadings and papers filed with this Court, and any oral argument the Court may permit.

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I. Respondents provide the wrong standard for mootness; the Agreement and ICE holds more generally will impact hundreds of cases and have already arisen in other cases thus demonstrating that the issue is likely to arise in the future.

Respondents wrongfully narrow the standard for determining whether an issue is likely to arise in the future to “a Nevada court ruling, [or] [...] “live disputes adjudicated under Nevada law.” Resp. at 4, 12-13. Respondents rely on unpublished opinions that are either distinguishable from the case at hand or do not engage in a full analysis of what is necessary to show that an issue is likely to arise again, and incorrectly state that such reliance is necessary because “there is limited Nevada authority on point.” Resp. at 4 n.6, 11-12. “An unpublished disposition, while publicly available, does not establish mandatory precedent except in a subsequent stage of a case in which the unpublished disposition was entered, in a related case, or in any case for purposes of issue or claim preclusion or to establish law of the case.” NRAP 36(c)(2). By comparison, all four cases provided by Petitioners—*Valdez-Jimenez v. Eighth Jud. Dist. Court of Nev.*, 136 Nev. 158, 158, 460 P.3d 976, 982 (2020), *Washoe Cnty. Hum. Servs. Agency v. Second Jud. Dist. Court*, 521 P.3d 1199, 1204, 138 Nev. 874, 878 (Nev. 2022), *Chittenden v. Just. Court of Pahrump Twp.*, 544 P.3d 919, 923, 2024 Nev. App. Op. 5 (Nev. App. 2024); *Johnston v. Eighth Jud. Dist. Court of Nev.*, 518 P.3d 94, 100, 138 Nev. 700, 704 (Nev. 2022)—are Nevada published decisions that provide an analysis on whether an issue is likely to arise again and are binding precedent.

As stated before, in determining whether an issue is likely to recur, the Nevada Supreme Court has not only looked at whether the issue has been litigated in other cases, but also whether the issue is *present* in other cases, how common the issue at hand is to the larger body of disputes, and whether many cases would be impacted by the issue. *See Valdez-Jimenez*, 136 Nev. at 160, 460 P.3d at 983 (documents from other criminal cases in which defendants have raised similar arguments before the justice court or district court about the process of setting bail); *Washoe Cnty.*

1 *Hum. Servs. Agency*, 521 P.3d at 1204, 138 Nev. at 878 (issues regarding a child welfare agency's
2 duty to provide reasonable efforts to reunify children with their parents are relevant to a variety of
3 child welfare cases that have previously and will likely continue to come before this court);
4 *Johnston*, 518 P.3d at 100, 138 Nev. at 704 (“these issues are likely to arise in the future, as
5 *Johnston* has illustrated with examples in three other criminal cases in which defendants were
6 taken into custody in a manner that allegedly violated due process”); *Chittenden*, 544 P.3d at 923,
7 2024 Nev. App. LEXIS, at *8-9 (“[g]iven that all criminal defendants charged by criminal
8 complaint with a gross misdemeanor or felony are statutorily entitled to a preliminary hearing,
9 there is a substantial likelihood that a similar issue will arise in the future based on the volume of
10 cases alone”).

11 Petitioners explained how the Las Vegas Metropolitan Police Department’s (LVMPD) own
12 data, including the “Weekly DSD Immigration Reports” (hereinafter “DSD report”) that outline
13 the number of warrants and detainers LVMPD received from U.S. Immigration and Customs
14 Enforcement (ICE), indicate that hundreds, if not thousands, of people will be impacted by
15 LVMPD’s 287(g) agreement (“the Agreement”) and ICE holds more generally and that the core
16 legal questions are common to a larger body of disputes. More specifically, the DSD report through
17 October 2025, Pet. for Writ of Mandamus Ex. 4, shows that the Clark County Detention Center
18 (CCDC) received 957 detainers and warrants from ICE (combination of “YTD Totals” for “# I-
19 200 Detainers Received”, “# I-205 Warrants Received”, and “# I-247 (A/G) Stand-Alone”). Prior
20 to the Agreement being executed on June 16, 2025, LVMPD stated that it did not hold people for
21 ICE. As such, the YTD totals for “# I-200 Detainers Received”, “# I-205 Warrants Received”, and
22 “# I-247 (A/G) Stand-Alone” (610) in the DSD report through June 9, 2025, Pet. Supp. Br. Ex. 2,
23
24

1 subtracted from the total number (957), reflects roughly the total number of detainers and warrants
2 (347) LVMPD received since the Agreement was executed.¹

3 While Respondents previously asserted that the Agreement was not “operational” and
4 therefore people were not being impacted, they now acknowledge that it has been incorporated
5 into Policy 4.166 and it is operational. Resp. at 3, Ex. A. Confusingly, Respondents claim that “if
6 the designated inmate is not taken into custody by ICE at the time of their scheduled release, DSD
7 will release the inmate,” *id.*, while at the same time ignoring the provision within the Agreement
8 which states that LVMPD will hold people up to 48 hours and its own statements that it will
9 prolong the detention of anyone scheduled to be released for a minimum of four hours or even an
10 entire day. Resp at 3, 8. In either instance, prolonged detention of anyone beyond the time they are
11 scheduled to be released, no matter how short in duration, is still unlawful. This unlawful detention
12 would apply to at least some of the 347 warrants and detainers CCDC received from ICE as
13 depicted in the DSD reports as well as any additional requests subsequently submitted to CCDC
14 by ICE, which, as reflected in the DSD reports, is likely to be in the hundreds. As such, consistent
15 with the holding in *Chittenden* that there is a substantial likelihood that a similar issue will arise in
16 the future based on the volume of cases alone, the issue here is relevant to the potentially hundreds
17 of cases where Nevada judges will order the release of people from LVMPD custody, but LVMPD
18 nonetheless will hold them because ICE sent LVMPD an administrative warrant or detainer for
19 that person. This impact is relevant in the context of the Agreement but also in determining whether
20 holding people on ICE warrants and detainers violates Nevada law, which is part of Petitioners’

21
22
23 ¹ Petitioners’ supplemental brief inadvertently failed to include the “# I-247 (A/G) Stand-Alone”
24 numbers which resulted in the total number being 313, instead of 347. The 347 total is the accurate depiction.

1 claims and Respondents fail to address.² When faced with its own statements from 2019 that it
2 was ending its 287(g) agreement with ICE because Nevada does not have a statute authorizing
3 arrests for civil immigration violations, Respondents provided no meaningful response and simply
4 stated it is “historical” and “non-adjudicative”. Resp. at 4.

5 Not only would many cases be impacted by the core issue presented here, but Petitioners
6 point to at least one other person that litigated whether an ICE hold lodged against him pursuant
7 to the 287(g) agreement was unlawful, Pet. Supp. Brief at 7, which Respondents completely ignore.
8 Additionally, like in *Johnston* where the Nevada Supreme Court found that the issue is likely to
9 arise in the future because petitioner illustrated examples in three other criminal cases in which the
10 issue was present, *Johnston*, 518 P.3d at 94, 100-01, 138 Nev. Adv. Op. 67, others have been
11 unlawfully held in CCDC because of ICE holds despite a court ordering them to be released to
12 treatment. *See e.g. State v. Fedorov*, No. C-25-388634-1, Minutes on Order to Show Cause (Eighth
13 Jud. Dist. Ct., Nev. filed June 10, 2025) (“Court noted, the Clark County Detention Center (CCDC)
14 is not releasing Deft due to ICE hold; therefore, Deft would not be able to complete the Adult Drug
15 Court Program.”).

16 When analyzing whether an issue has been raised in other cases, Nevada precedent does
17 not require precise number of cases where the issue arises or that parties in those cases actually
18 litigate the issue. As such, taking together the DSD reports reflecting that many cases stand to be
19 impacted, the fact that at least one other person has litigated the core issue in this case, and that
20 others have been unlawfully held on ICE warrants at CCDC past the time they were ordered to be
21 released to treatment, illustrates that this issue is likely to recur in the future.

22
23 ² Respondents’ admissions surrounding the Agreement being “operational” further support the
24 need to apply the public importance doctrine as it relates to ACLU of Nevada standing. Contrary
to Respondents’ claims that this “further moot[s] the case,” it in fact does the opposite and
underscores the ongoing harm to hundreds of people because of LVMPD’s unlawful actions.

1 **II. The duration of people being held by LVMPD pursuant to the Agreement and ICE**
2 **detainers and warrants is short in nature.**

3 Respondents' inclusion of arguments related to the "evasion-of-review prong" exceeds the
4 scope of the Court's request for supplemental briefing as it is a separate analysis from "recurrence
5 of similar issues." Nonetheless, Petitioners address Respondents' arguments herein to ensure a
6 complete and accurate record.

7 In analyzing "evasion-of-review," the Court must assess whether the duration of the
8 challenged action is relatively short as used in the three-prong test outlined in *Valdez-Jimenez*.
9 *Valdez-Jimenez*, 136 Nev. at 158 n.2, 460 P.3d at 976, 982 (comparing its holding that bail orders
10 are short in duration to the dissent's argument that bail proceeding do not evade review); *see also*
11 *Chittenden*, 544 P.3d at 926 ("the 15-day window provided in [the statute] is short in duration such
12 that a writ petition challenging an allegedly unlawful delay is unlikely to be heard before that
13 window expires"); *see also Bldg. & Constr. Trades Council of N. Nev. v. Carson City Sch. Dist.*,
14 No.57730, 2012 Nev. Unpub. LEXIS 1625, at *5 (Nev. Nov. 29, 2012) ("it is not clear that the
15 challenged action is too short in its duration to be fully litigated prior to its natural expiration, thus
16 evading review"). The citations offered by Respondents, most of them unpublished, for analyzing
17 "evasion of review" do not say what Respondents claim, rely on materially different facts, or are
18 distinguishable from the case at hand.³

19 ³ *See Bldg. & Constr. Trades Council*, 2012 Nev. Unpub. LEXIS 1625, at *5 (finding that the issue
20 was not short in duration because the Trade Council could seek to enjoin the project subject to the
21 contract until the court could address the merits of the appeal or request the court expedite review
22 before the project's installation deadline); *Clark County v. Citizen Outreach, Inc.*, No. 59166, 2012
23 Nev. Unpub. LEXIS 1614 at *5 (Nev. Nov. 28, 2012) (no mention of "standard procedures [that]
24 adjudicate disputes in the ordinary course" and instead finding that the court is unable to grant
effective relief with respect to the district court injunction at issue because the county entered into
a contract without the agreement at issue in the case and the short duration of the challenged action
was compounded by the county's urgent need to renovate its jail, not because of the natural
expiration of the agreement itself); *State Bd. of Parole Comm'rs v. Valentine*, No. 83601, 2024
Nev. Unpub LEXIS 252 at *2–3 (Nev. Mar. 28, 2024) (holding that "the first prong is easily met—

1 Respondents do not deny that people in their custody will be subjected to prolonged
2 detentions, if not already, but instead argue that when these violations occur, each person, most of
3 whom are indigent and lack access to a civil attorney, must file a separate habeas petition. This
4 would unnecessarily flood the courts while excluding hundreds of people from relief as it would
5 require filing a separate civil action; the court would not have jurisdiction over CCDC through the
6 criminal matter as the holds at issue are not arising from a criminal case and LVMPD would not
7 be a party in the criminal case to defend its interests. This is further exasperated by the short nature
8 of the prolonged detention as reflected in the Agreement, Pet. for Writ of Mandamus Ex. 1 at 8,
9 and Respondents' own claims that people would be held for only four hours or until the next day.
10 Resp. at 3, 8. And this is not even considering that LVMPD could, just as it has in this case, release
11 the person directly to ICE and argue that the claims are moot because the person is no longer in
12 their custody or they have been deported, further undermining the adequacy of individual habeas
13 petitions.

14 Respondents point to this case as an example to argue that the evasion prong fails because
15 Mr. Morais-Hechavarria was able to file an individual habeas petition, get a hearing, and litigate

16 the time frame is short, because NRS 213.1543 is available only to parolees with 12 months or
17 fewer remaining on their sentence, so a challenge may elude this court's consideration"); *Francisco*
18 *v. Aguilar*, No. 88965, 2024 Nev. Unpub. LEXIS 674 at *2-3 (Nev. Aug. 19, 2024) (finding that
19 the issue is not evading review because when it comes to election and ballot questions, courts are
20 either required by statute to resolve the matter on an expedited basis or the Nevada Supreme Court
21 typically grants requests to resolve the issue on an expedited basis); *Washoe Cnty. Hum. Servs.*
22 *Agency*, 521 P.3d at 1204, 138 Nev. at 878 (no language "reiterat[ing] that when there is a clear
23 path to judicial or appellate review, Nevada courts do not apply the exception" as Respondents
24 claim.); *Newell v. State Dep't of Corr.*, No. 75913, 2019 Nev. Unpub. LEXIS 1375 at *2 (Nev.
Dec. 19, 2019) (court declining to anticipate that a person on parole will violate parole, be returned
to prison, and then suffer a grievance that Respondent fails to timely resolve, to invoke the
mootness exception)³; *Farmers Against Curtailment Order v. King*, No. 15-CV-00227, 2016 Nev.
Dist. LEXIS 498 (Nev. 3d Jud. Dist. Court, Lyon County Dec. 31, 2015) (holding that Petitioner
has already filed two new petitions challenging curtailing supplemental groundwater pumping in
2016 and the Court can expedite resolution of those petitions).

1 the issue. Resp. at 6. Yet, at the same time Respondents argue that the Court cannot get to the
2 merits because they released Mr. Morais-Hechavarria. Mr. Morais-Hechavarria experienced
3 unusual circumstances where his unlawful detention lasted weeks, rather than a few hours or a
4 couple days typical for most people subject to similar unlawful ICE holds, affording him sufficient
5 time to retain counsel and file a separate habeas petition. Respondents do not explain how Nevada
6 courts could adjudicate similar issues within the timeframe—somewhere between four hours and
7 two days—they contend people’s detention will be prolonged because of ICE holds. The Nevada
8 Supreme Court has found the duration of a challenged action relatively short in cases with far
9 greater timeframes. *See e.g. Washoe Cnty. Hum. Servs. Agency*, 521 P.3d at 1204, 138 Nev. at 878
10 (finding 30 days is short in duration and applying the mootness exception); *Chittenden*, 544 P.3d
11 at 926 (“the 15-day window provided in [the statute] is short in duration such that a writ petition
12 challenging an allegedly unlawful delay is unlikely to be heard before that window expires”);
13 *Valdez-Jimenez*, 136 Nev. at 158-159, 460 P.3d at 982 (most bail orders are short in duration and
14 the issues concerning bail and pretrial detention become moot once the case is resolved by
15 dismissal, guilty plea, or trial); *Valentine*, 2024 Nev. Unpub LEXIS 252 at *2–3 (“[the first prong
16 is easily met—the time frame is short, because NRS 213.1543 is available only to parolees with
17 12 months or fewer remaining on their sentence, so a challenge may elude this court’s
18 consideration.”)

19 **III. ACLU of Nevada has public importance standing pursuant to *NPRI* because the**
20 **Agreement is undisputably active and Respondents do not dispute that this is a matter**
21 **of public importance involving the separation of powers.**

22 Respondents acknowledge that the issue of whether ACLU of Nevada has standing falls
23 outside of the scope of the Court’s order for supplemental briefing but nonetheless incorporate
24 such arguments under the guise that “Petitioners’ Supplemental Brief raised an issue that, if left
unanswered, risks confusion about LVMPD’s current policy and practice.” Resp. at 15 n.9. The

1 brief footnote in Petitioners’ supplemental brief clarified that Petitioners understood the Court’s
2 order to apply to the mootness exception as it relates to Mr. Morias-Hechavarria and not ACLU of
3 Nevada, and therefore the Respondents’ arguments are inappropriate. *See* Pet. Supp. Br. at 3 n.1.
4 Despite that, Petitioners incorporate by reference arguments made on this issue in the pleadings
5 and papers filed with this Court and briefly address arguments made by Respondents herein to
6 ensure a complete and accurate record.

7 First, Respondents argue that ACLU of Nevada does not have associational standing.
8 However, ACLU of Nevada does not assert that it has associational standing, only that it has public
9 importance standing pursuant to *Nev. Pol’y. Rsch. Inst., Inc. v. Cannizzaro*, 507 P.3d 1203, 1210,
10 138 Nev. 259, 265-66 (Nev. 2022).

11 Second, Respondents do not dispute that this is a matter of public importance involving the
12 separation of powers, but instead argue that ACLU of Nevada is not an appropriate party under
13 *NPRI* because “the best-positioned litigants are detainees who face an actual restraint at the release
14 threshold [and] [t]hey have a plain, speedy, and adequate remedy in habeas.” Resp. at 16.⁴ This
15 argument fails for the same reasons as discussed *Supra* Part II, and the need for the application of
16 the public importance doctrine is even greater since Respondents admit that the Agreement is now
17 operational, don’t dispute that they will honor ICE warrants and detainers, don’t dispute that
18 CCDC receives hundreds of warrants and detainers from ICE monthly, and openly admit that
19

20
21 ⁴ Respondents state “[p]etitioners have not presented a separation-of-powers claim of controlling
22 necessity.” Resp. at 16. It is unclear whether this relates to Respondents’ arguments that ACLU of
23 Nevada is not an appropriate party or if it is intended to apply more broadly to the public
24 importance doctrine. If it is the latter, not only does the argument exceed the scope of this Court’s
order for supplemental briefing but it is raised for the first time as Respondents only argued that
ACLU of Nevada is not an appropriate party in previous pleadings, including in pleadings after
ACLU of Nevada stated that they do not dispute that this is a matter of public importance involving
the separation of powers. *See* Reply in Support of Pet. For Writ of Mandamus at 4.

1 CCDC will hold people past the time they are otherwise set to be release and the prolonged
2 detention may be as short as four hours.

3 **IV. Conclusion**

4 The Court should not accept the Respondents' Kafkaesque games. Respondents admit that
5 LVMPD's Agreement is operational. They admit that LVMPD is holding people subject to ICE
6 holds for at least four hours longer than people without them. As seen by LVMPD's own data,
7 hundreds of people are being harmed, and the issue before this Court has already arisen in other
8 cases. The ICE holds are short, less than forty-eight hours, and as seen in this case, LVMPD is
9 intentionally doing whatever it can to avoid a determination on the merits. This is a classic example
10 of a problem that will arise repeatedly but will consistently evade review. The Court should not
11 encourage LVMPD's bad behavior: the mootness exception applies and the Court should reach the
12 merits of this case.

13
14 Dated this 16th day of January, 2026.

15 **AMERICAN CIVIL LIBERTIES**
16 **UNION OF NEVADA**

17 

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Attorneys for Petitioners

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 16, 2026, I electronically filed a true and correct copy of
3 the foregoing **REPLY TO RESPONDENTS' RESPONSE TO SUPPLEMENTAL**
4 **BRIEFING IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS OR, IN THE**
5 **ALTERNATIVE, VERIFIED PETITION FOR WRIT OF HABEAS CORPUS.** I further
6 certify that all participants in the case are registered CM/ECF users and that service will be
7 accomplished on all participants by:

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

12 

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ACLU of Nevada Counsel

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1 **DAO**

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

4 AMERICAN CIVIL LIBERTIES UNION)
5 OF NEVADA, a domestic nonprofit)
6 Organization; SERGIO MORAIS-)
HECHAVARRIA, an individual,)

7 Petitioners,)

CASE NO. A-25-930343-W

8 v.)

DEPT. NO. III

9 LAS VEGAS METROPOLITAN POLICE)
10 DEPARTMENT, a government entity;)
11 KEVIN MCMAHILL, in his official)
Capacity as Las Vegas Metropolitan Police)
Department Sheriff,)

Respondents.,)

12
13 **DECISION AND ORDER**

14 This matter came before the court on November 26, 2025, Petitioners being represented by
15 Sadmira Ramic and Christopher Peterson and Respondents by Alexander Fugazzi and Alexis
16 Wendl. After hearing the arguments of counsel, the court ordered supplemental briefing on the
17 limited issue of the recurrence of similar issues in other cases as they relate to the exception to the
18 mootness doctrine. Specifically, the court directed Petitioners to show how the 957 cases cited in
19 *Exhibit 7 to the Opening Brief* were similar to the instant case. Petitioners asserts that in 2025, the
20 Las Vegas Metropolitan Police Department (LVMPD) received 957 requests to detain people on
21 its behalf from the U.S. Immigration, Customs and Enforcement (ICE). Having reviewed the
22 Petition for Writ of Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus,
23 Petitioners' Opening Brief, Respondents' Response, Petitioners' Reply, Petitioners' Supplemental
24 Briefing, Respondents' Response to Supplemental Briefing and the Reply, the attached exhibits
25 on file and considered arguments of counsel, the court hereby DENIES the Petition for Writ of
26 Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus for the reasons set
27 forth below.
28

AA341

Facts Relevant to the Petition

On July 8, 2025, Petitioner Sergio Morais-Hechavarria (Morais-Hechavarria) entered a plea of guilty to one count of Attempt Possession of Stolen Vehicle in case number C-25-392542-1. On August 19, 2025, the Honorable Tara Clark-Newberry sentenced him to three hundred and sixty-four days in the Clark County Detention Center (CCDC), but suspended the sentence and placed him on probation for a period not to exceed twelve months. As a special condition to probation, the court ordered him to enter and complete an inpatient drug treatment program and he was to remain in custody pending transport to the program. *Exhibit 6 to the Opening Brief.*

Thereafter, the CCDC informed Morais-Hechavarria's attorney that he could not be released to inpatient treatment as a result of his ICE warrant. *Exhibit 5 to the Opening Brief.* The court notes that the CCDC possessed a Department of Homeland Security Form I-247A, an Immigration Detainer - Notice of Action which indicated there was a final order of removal against Morais-Hechavarria. *Exhibit I to Respondents' Response.* The CCDC also possessed an ICE form I-205, a Warrant of Removal/Deportation, which stated that Morais-Hechavarria was subject to removal/deportation upon a final order by an immigration judge. *Exhibit J to Respondents' Response.* On October 14, 2025, the CCDC placed Petitioner on the list to be released on October 16, 2025. *Exhibit P to Respondents' Response.* On October 16, 2025, the CCDC sent an email notifying ICE that it would release Morais-Hechavarria that morning. *Exhibit A to Respondents' Response.* ICE detained Morais-Hechavarria at the jail release window as the CCDC released him. *Id.*

On June 16, 2025, Respondent Sheriff Kevin McMahon entered into a Memorandum of Agreement (MOA) on behalf of the LVMPD related to the Warrant Service Officer Program with ICE. *Exhibit 1 to Opening Brief.* This agreement, also known as a 287(g) agreement, outlined the duties of each party and identified specific training, testing and authorization letters required before a LVMPD officer could be considered a Designated Immigration Officer. *Id.* The MOA was not operational at the time that the CCDC released Morais-Hechavarria from custody and ICE subsequently detained him. *Exhibit A to Respondents' Response.* Specifically, the LVMPD officers

1 had not completed the required training, ICE had not issued authorization letters or credentials and
2 no LVMPD officer served or executed any warrant pursuant to the MOA at the time ICE detained
3 Morais-Hechavarria. *Id.*

4 On October 13, 2025, Petitioners filed the instant petition that contained four claims of
5 relief: (1) Violation of NRS 211.060 “Unlawfully Housing People on Behalf of the United States”,
6 (2) Violation of Dillon’s Rule “Unlawfully Entering into the Agreement Without Grant of Power
7 by Nevada’s Legislature”, (3) Violation of Art. 1, § 18 of the Nevada Constitution and NRS 31.470
8 “Unlawfully Conducting Civil Arrests” and, (4) Violation of Dillon’s Rule and Art. 1, § 18 of the
9 Nevada Constitution “Executing Immigration Arrests without Authorization from the Nevada
10 Legislature”. *Petition*, pp. 19-24.

11 **Petition for Writ of Habeas Corpus**

12 Pursuant to NRS 34.360, a person may challenge the legality of his or her detention or
13 restraint by filing a petition for writ of habeas corpus. Morais-Hechavarria was detained at the time
14 the instant petition was filed, however ICE deported him during the pendency of this matter. As
15 such, Petitioners acknowledged that they are proceeding solely on the petition for writ of
16 mandamus. *Reporter’s Transcript of Hearing* (RTH), p. 28. The court concludes that since Morais-
17 Hechavarria is no longer in Respondents’ custody, the petition for writ of habeas corpus is moot.

18 **Petition for Writ of Mandamus**

19 A district court may issue a writ of mandamus, “to compel the performance of an act that
20 the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or
21 capricious exercise of discretion.” *International Game Technology, Inc. v. Second Judicial Dist.*
22 *Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of mandamus is an extraordinary
23 remedy that is only available when a petitioner has no plain, speedy or adequate remedy at law.
24 NRS 34.170. The Nevada Supreme Court has cautioned that while a district court has the discretion
25 to issue writs of mandamus, “it should grant such relief only to compel the performance of an act
26 that the law requires, or to control an arbitrary or capricious exercise of discretion.” *Kay v. Nunez*,
27 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006).

1 **A. Standing**

2 A petitioner establishes standing in mandamus proceedings by demonstrating he or she has
3 a beneficial interest in obtaining writ relief. *Heller v. Legislature of State of Nevada*, 120 Nev. 456,
4 460-61, 93 P.3d 746, 749 (2004). *See also* NRS 34.170 (stating that a writ shall be issued upon
5 affidavit, on the application of the party beneficially interested). A beneficial interest is a, “direct
6 and substantial interest that falls within the zone of interests to be protected by the legal duty
7 asserted.” *Id.* at 461. The Nevada Supreme Court has stressed that, “if a petitioner will gain no
8 direct benefit from the writ’s issuance and suffer no direct detriment from its denial, then the
9 petition should be denied.” *Bd. of Parole Comm’rs v. Second Judicial Dist. Court*, 135 Nev. 398,
10 400, 451 P.3d 73, 76 (2019).

11 Petitioner American Civil Liberties Union of Nevada (ACLU) asserts that it has standing
12 to pursue the stated claims pursuant to the public-importance exception recognized in *Nevada*
13 *Policy Research Institute, Inc. v. Cannizzaro*, 138 Nev. 259, 507 P.3d 1203 (2022). *Reply to*
14 *Response to Supplemental Briefing*, p. 9. The ACLU does not assert associational standing. *Id.* The
15 Nevada Supreme Court first recognized the public-importance exception to standing when it
16 concluded that, “a Nevada citizen may raise constitutional challenges to legislative expenditures
17 or appropriations without a showing of a special or personal injury.” *Schwartz v. Lopez*, 132 Nev.
18 732, 743, 382 P.3d 886, 894 (2016). To qualify for this exception, a plaintiff must raise an issue
19 of significant public importance that involves a challenge to a legislative expenditure or
20 appropriation based on a constitutional violation under the Nevada Constitution and the plaintiff
21 must be an appropriate party. *Id.* *Cannizzaro* extended the exception to include cases that allege a
22 violation of the Nevada Constitution’s separation-of-powers clause. 138 Nev. at 263, 507 P.3d at
23 1208.

24 The ACLU is a non-partisan, nonprofit organization whose mission is to defend and
25 advance the civil liberties and civil rights of Nevadans. *Exhibit 7 to Opening Brief*. In pursuit of
26 that mission, the ACLU has litigated lawsuits, “related to ensuring government actors are
27 transparent and acting within the bounds of Nevada law with respect to immigration enforcement.”
28 *Id.* While the ACLU asks this court to extend the public-importance exception to mandamus

proceedings, the Nevada Supreme Court has not previously addressed this exception solely in the context of mandamus proceedings. Rather, the Court has repeatedly stressed that the standard enunciated in *Heller* is the test for standing in mandamus proceedings. See *Reno Real Estate Development, LLC v. Scenic Nevada, Inc.*, 141 Nev. Adv., Op. 48, 577 P.3d 683, (2025) (citing the *Heller* test for standing); *Bd. of Pharmacy v. Cannabis Equity and Inclusion Cmty*, No. 85756, No. 86128, 553 P.3d 440, 2024 WL 3664464 (Nev. Aug. 5, 2024) (Unpublished Disposition) (identifying the test for standing in mandamus proceedings and also addressing the public-importance exception as an exception to traditional standing where petitioners sought mandamus as well as declaratory and injunctive relief). The Court has on more than one occasion noted that the public-importance exception applies in actions for declaratory relief. See *Cannizzaro*, 138 Nev. at 265 n.2, 507 P.3d at 1209 n.2. While the Nevada Supreme Court has applied the public-importance exception in certain matters, it has not extended it to a proceeding involving solely a writ of mandamus nor stated that it applied directly to the writ proceeding where it was combined with another type of action, i.e., a complaint or request for declaratory relief. Petitioners have not provided any authority for the proposition that the public-importance exception applies when determining if a petitioner has standing to bring a writ of mandamus. While this court might agree that the public-importance exception could apply in mandamus proceedings, it cannot speculate how the Nevada Supreme Court will decide an issue in the future. See *Greater Las Vegas Short Term Rental Ass'n v. Clark Cnty.*, No. 86264, 555 P.3d 265, 2024 WL 3934611 (Nev. Aug. 23, 2024) (Unpublished Disposition) (stating that, "[d]istrict courts are bound to follow controlling legal precedent as set forth by appellate courts, not prognosticate about future changes to the law that appellate courts might make."). Therefore, this Court analyzes standing under the *Heller* standard.

1. Standing- Morais-Hechavarria

Morais-Hechavarria was released from custody in Nevada and deported. The court finds that Morais-Hechavarria lacks standing to pursue any of the stated claims as he will gain no benefit from the issuance of the writ nor suffer any detriment from the denial of the writ. Therefore, he

1 has no “direct and substantial interest that falls within the zone of interests to be protected by the
2 legal duty asserted.” *Heller*, 120 Nev. at 461, 93 P.3d at 749.

3 **2. Standing- the ACLU**

4 The court finds that the ACLU has standing to pursue claims one, three and four. The
5 ACLU lacks standing to pursue claim two.

6 In claim one, the ACLU asserts that the LVMPD unlawfully houses people on behalf of
7 the United States. While the ACLU focuses on the costs associated with incarceration, it also
8 argues that Respondents are unlawfully detaining people in civil matters. *Opening Brief*, pp. 12-
9 13. The stated mission of the ACLU is to protect the civil liberties of Nevadans. *Exhibit 7 to the*
10 *Opening Brief*. Additionally, it provides information to Nevadans regarding their rights under
11 Nevada law in immigration matters. *Id.* Therefore, the ACLU has a beneficial interest in ensuring
12 that the LVMPD acts in accordance with Nevada law when it detains individuals on behalf of the
13 United States. Ensuring that the LVMPD acts in accordance with Nevada law not only protects the
14 civil liberties of Nevadans, but also allows the ACLU to provide accurate information to the public.

15 As to claim two, the ACLU asserts that Respondents do not have authority to enter into
16 287(g) agreements with the federal government to enforce civil immigration laws. *Petition*, pp.
17 21-22. In mandamus proceedings, the court must focus on the legal duty asserted. Placed in that
18 context, the ACLU asserts that Respondents have a legal duty to enter into lawful agreements or
19 those explicitly authorized by the Nevada legislature. While the court agrees that the LVMPD
20 should only enter into lawful agreements, the ACLU has no direct beneficial interest in which
21 agreements the LVMPD enters into. *See Garmong v. Lyon Cnty. Bd. of Commissioners*, No. 74644,
22 439 P.3d 962, 2019 WL 1989191 (Nev. May 3, 2019) (Unpublished Disposition) (stating, “the
23 party seeking writ relief must show a ‘direct and substantial interest’ not just a generalized interest
24 as a citizen”). The ACLU has a beneficial interest in protecting civil liberties, as noted above,
25 however, the act of entering into an unlawful agreement does not necessarily result in a violation
26 of civil liberties.

27 In claim three, the ACLU alleges that Respondents are unlawfully detaining individuals
28 even after their criminal charges have been satisfied for the sole purpose of releasing them to ICE.

1 Consistent with its mission, the ACLU has a beneficial interest in ensuring that the LVMPD acts
2 in accordance with Nevada law when it detains individuals.

3 Lastly, in claim four, the ACLU asserts that because immigration is a civil matter, LVMPD
4 officers have no authority to detain individuals for immigration violations. More specifically, the
5 ACLU argues that warrants of arrest or deportation do not justify detention because they are not
6 issued by a judge or magistrate as required by Nevada law. *Petition* pp. 26-27. Again, similar to
7 claims one and three, the ACLU has a beneficial interest in ensuring that individuals are not
8 detained in violation of Nevada law.

9 While the court has concluded that standing is determined using the *Heller* standard, in an
10 abundance of caution, the court also finds that the public-importance exception as discussed in
11 *Schwartz* and *Cannizzarro* would not apply in this matter. The Nevada Supreme Court has held
12 that "the public-importance exception is narrow." *Schwartz*, 132 Nev. at 743, 382 P.3d at
13 894. While the issues presented in the petition are of significant public importance and the ACLU
14 arguably would be an appropriate party to assert the challenge, the issues do not involve a
15 legislative expenditure as required by *Schwartz* or a separation-of-powers violation as required by
16 *Cannizzarro*. The ACLU asserts, in the petition and opening brief, that the LVMPD will unlawfully
17 expend funds under the MOA, however, those funds are not legislative expenditures or
18 appropriations. Instead, any hypothetical expenditures arising from the MOA would be executive
19 branch expenditures and no case law indicates that the Nevada Supreme Court intended to include
20 executive expenditures in the exception. The ACLU also asserts that the issues in this case present
21 a separation-of-powers violation. Specifically, the ACLU claims that the LVMPD, an executive
22 branch entity, has infringed on the authority of the Nevada legislature by entering into agreements
23 without explicit statutory authority. RHT, p. 4. This falls short of an allegation that Respondents
24 are "exercis[ing] any functions, appertaining to either of the others" as required by *Cannizzarro*. 138
25 Nev. at 264, 507 P.3d at 1209. The Nevada Supreme Court has stressed that the public-importance
26 exception is limited to extraordinary cases within the subset of cases alleging a separation-of-
27 powers violation. As such, this court cannot extend the exception beyond what the Nevada
28

1 Supreme Court has repeatedly identified as a very narrow exception. 138 Nev. at 263, 507 P.3d at
2 1208.

3 **B. Mootness**

4 It is well-settled that, “a controversy must be present through all stages of the proceeding,
5 and even though a case may present a live controversy at its beginning, subsequent events may
6 render the case moot.” *Personhood Nevada v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010)
7 (internal citations omitted). This case has been rendered moot as Morais-Hechavarria was released
8 from custody.

9 The ACLU asks this court to consider the instant petition under an exception to the
10 mootness doctrine. Even if issues are moot, a court may consider the issues if they are of
11 widespread importance and capable of repetition, yet evading review. *Id.* To overcome mootness,
12 petitioners must show, “(1) the duration of the challenged action is relatively short, (2) there is a
13 likelihood that a similar issue will arise in the future, and (3) the matter is important.” *Bisch v. Las*
14 *Vegas Metropolitan Police Department*, 129 Nev. 328, 335, 302 P.3d 1108, 1113 (2013) (internal
15 citations omitted).

16 In analyzing the factors outlined in *Bisch*, the court finds that Petitioners have not satisfied
17 the factors as explained below and therefore the exception to the mootness doctrine does not apply
18 in this matter.

19 In Morais-Hechavarria’s criminal case, a district court ordered him released to inpatient
20 treatment on August 19, 2025. *Exhibit 5 to Opening Brief*. As a result of his ICE hold, the CCDC
21 held Morais-Hechavarria for almost two months after a court ordered his release to inpatient
22 treatment. Two months is a relatively short period of time. Additionally, based on the LVMPD’s
23 updated Policy 4.16, the DSD Policy 12.330 and the MOA, the period of extended detention would
24 be even shorter in future cases as the policy limits the hold to forty-eight hours. *Exhibits A and B*
25 *to the Response to Supplemental Briefing and Exhibit 1 to the Opening Brief*. As such, the duration
26 of the challenged action here is relatively short and Petitioners satisfy the first factor.

27 In its Supplemental Brief, the ACLU provided the court with an excel spreadsheet listing
28 certain data including the type of ICE forms in the CCDC’s possession and whether or not ICE

1 took action as a result of the ICE form. *Exhibit 1 to the Supplemental Brief*. The spreadsheet also
2 includes the date of the release notification. *Id.* However, the ACLU failed to include any
3 information about the date a court ordered each person released from custody and the duration of
4 the hold beyond the court-ordered release. While the spreadsheet lists the type of ICE form for
5 some people, that is whether it was a Form I-200 (warrant of arrest) or Form I-205 (warrant of
6 removal/deportation), many entries list “N/A” in the form columns. As such, the court cannot
7 discern whether the CCDC released a person at the conclusion of his or her criminal case or held
8 that person after a release date as a result of the ICE hold. Therefore, it is impossible to determine
9 if the CCDC unlawfully detained any of the individuals as the ACLU asserts.

10 The ACLU also specifically identified two defendants it alleges the CCDC unlawfully
11 detained as a result of an ICE hold, despite a court order for release from custody. In *State v. Ortiz*,
12 case number 19-F-08292X, the ACLU contends that the CCDC continued to detain Ortiz on an
13 ICE warrant even after a Justice of the Peace ordered the defendant released from custody.
14 *Supplemental Brief*, p. 7. In *State v. Fedorov*, case number C-25-388634-1, the ACLU asserts that
15 the defendant could not participate in the Adult Drug Court program as a result of his ICE hold.
16 *Reply to Supplemental Briefing*, p. 5. However, the ACLU also failed to provide any supporting
17 documentation related to these two specific cases for this court to review.

18 Under the second factor, the court must find, “that the question presented is likely to arise
19 in the future with respect to the complaining party or individuals who are similarly situated to the
20 complainant.” *Valdez-Jimenez v. Eighth Judicial Dist. Court*, 136 Nev. 155, 160, 460 P.3d 976,
21 983 (2020). In *Valdez-Jimenez*, the petitioners provided the Court with documents from other
22 criminal cases where defendants also challenged the constitutionality of Nevada’s bail process. *Id.*
23 The *Johnston* Court also applied the exception to the mootness doctrine and found that the moot
24 issue was capable of repetition, yet evading review. In that case, the petitioner provided the court
25 with examples of three criminal cases where defendants raised similar arguments and alleged a
26 violation of due process. *Johnston v. Eighth Judicial Dist. Court*, 138 Nev. 700, 518 P.3d 94
27 (2022). The petitioner asserted that he was detained in violation of due process two times in the
28 same case and then a third time at the time of oral argument on the matter. *Id.* at n.2.

1 While the court recognizes that immigration detainers have previously and will likely
2 continue to affect criminal defendants, the ACLU has not provided sufficient documentation in
3 this case to show that other defendants have been unlawfully detained pursuant to an ICE hold
4 beyond what was required to satisfy their criminal charges in Nevada. It would be speculative for
5 this court to conclude that the people listed in the excel spreadsheet were unlawfully detained
6 beyond the conclusion of their criminal case pursuant to an immigration hold as it is not supported
7 by the evidence presented. As such, Petitioners have failed to provide sufficient support to
8 establish that these issues are likely to arise in the future and therefore fail to satisfy the second
9 factor.

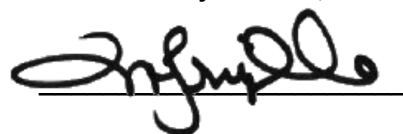
10 With respect to the third factor, there is no doubt that the issues raised in this Petition are
11 important. Immigration and detention issues affect many criminal defendants on a daily basis and
12 can absolutely have profound constitutional implications. As such, Petitioners satisfy the third
13 factor.

14 Based on the foregoing, the court finds that Morais-Hechavarria lacks standing to pursue
15 any of the claims listed in the petition. The court further finds that while the ACLU has standing
16 to pursue claims one, three and four, the issues asserted in the petition are moot and no exception
17 to the mootness doctrine applies.

18
19 **ORDER**

20 Therefore, COURT ORDERED, the Petition for Writ of Mandamus Or, in the Alternative,
21 Verified Petition for Writ of Habeas Corpus is hereby DENIED.

22 Dated this 6th day of March, 2026

23 
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25
26 9D4 9F3 A150 3540
27 Monica Trujillo
28 District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Sergio Morais-Hechavarria,
7 Plaintiff(s)

CASE NO: A-25-930343-W

8 vs.

DEPT. NO. Department 3

9 Las Vegas Metropolitan Police
10 Department, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Decision and Order was served via the court's electronic eFile system
to all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 3/6/2026

16 Alex Fugazzi

afugazzi@swlaw.com

17 Docket Docket

docket_las@swlaw.com

18 Debbie Shuta

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19 Alexis Wendl

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20 Sadmira Ramic

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21 Christopher Peterson

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22 Charline Kamihara

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23 Lindsey Harjo

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24
25
26 If indicated below, a copy of the above mentioned filings were also served by mail
27 via United States Postal Service, postage prepaid, to the parties listed below at their last
28 known addresses on 3/9/2026

AA351

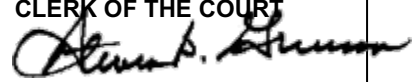
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*Attorneys for Las Vegas Metropolitan
Police Department and Sheriff Kevin McMahon*

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

Department: III

**NOTICE OF ENTRY OF
DECISION AND ORDER**

PLEASE TAKE NOTICE that the *Decision and Order* (“Order”) was filed in the above-captioned matter on March 6, 2026.

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A copy of the Order is attached as **Exhibit A**.

Dated: March 6, 2026

SNELL & WILMER L.L.P.

By: /s/ Alex Fugazzi
Alex L. Fugazzi, Esq.
Nevada Bar No. 9022
Alexis R. Wendl, Esq.
Nevada Bar No. 15351
1700 South Pavilion Center Drive, Suite 700
Las Vegas, Nevada 89135

*Attorneys for Las Vegas Metropolitan Police
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 March 6, 2026, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF DECISION AND ORDER** 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:

Sadmira Ramic, Esq.
Christopher M. Peterson, Esq.
AMERICAN CIVIL LIBERTIES UNION OF NEVADA
4362 W. Cheyenne Ave.
North Las Vegas, NV 89032
peterston@aclunv.org
ramic@aclunv.org

Attorneys for Petitioners

/s/ Alexis R. Wendl
An employee of Snell & Wilmer L.L.P.

EXHIBIT A

1 **DAO**

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

4 AMERICAN CIVIL LIBERTIES UNION)
5 OF NEVADA, a domestic nonprofit)
6 Organization; SERGIO MORAIS-)
HECHAVARRIA, an individual,)

7 Petitioners,)

CASE NO. A-25-930343-W

8 v.)

DEPT. NO. III

9 LAS VEGAS METROPOLITAN POLICE)
10 DEPARTMENT, a government entity;)
11 KEVIN MCMAHILL, in his official)
Capacity as Las Vegas Metropolitan Police)
Department Sheriff,)

Respondents.,)

12
13 **DECISION AND ORDER**

14 This matter came before the court on November 26, 2025, Petitioners being represented by
15 Sadmira Ramic and Christopher Peterson and Respondents by Alexander Fugazzi and Alexis
16 Wendl. After hearing the arguments of counsel, the court ordered supplemental briefing on the
17 limited issue of the recurrence of similar issues in other cases as they relate to the exception to the
18 mootness doctrine. Specifically, the court directed Petitioners to show how the 957 cases cited in
19 *Exhibit 7 to the Opening Brief* were similar to the instant case. Petitioners asserts that in 2025, the
20 Las Vegas Metropolitan Police Department (LVMPD) received 957 requests to detain people on
21 its behalf from the U.S. Immigration, Customs and Enforcement (ICE). Having reviewed the
22 Petition for Writ of Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus,
23 Petitioners' Opening Brief, Respondents' Response, Petitioners' Reply, Petitioners' Supplemental
24 Briefing, Respondents' Response to Supplemental Briefing and the Reply, the attached exhibits
25 on file and considered arguments of counsel, the court hereby DENIES the Petition for Writ of
26 Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus for the reasons set
27 forth below.
28

AA357

1 **Facts Relevant to the Petition**

2 On July 8, 2025, Petitioner Sergio Morais-Hechavarria (Morais-Hechavarria) entered a
3 plea of guilty to one count of Attempt Possession of Stolen Vehicle in case number C-25-392542-
4 1. On August 19, 2025, the Honorable Tara Clark-Newberry sentenced him to three hundred and
5 sixty-four days in the Clark County Detention Center (CCDC), but suspended the sentence and
6 placed him on probation for a period not to exceed twelve months. As a special condition to
7 probation, the court ordered him to enter and complete an inpatient drug treatment program and
8 he was to remain in custody pending transport to the program. *Exhibit 6 to the Opening Brief.*

9 Thereafter, the CCDC informed Morais-Hechavarria's attorney that he could not be
10 released to inpatient treatment as a result of his ICE warrant. *Exhibit 5 to the Opening Brief.* The
11 court notes that the CCDC possessed a Department of Homeland Security Form I-247A, an
12 Immigration Detainer - Notice of Action which indicated there was a final order of removal against
13 Morais-Hechavarria. *Exhibit I to Respondents' Response.* The CCDC also possessed an ICE form
14 I-205, a Warrant of Removal/Deportation, which stated that Morais-Hechavarria was subject to
15 removal/deportation upon a final order by an immigration judge. *Exhibit J to Respondents'*
16 *Response.* On October 14, 2025, the CCDC placed Petitioner on the list to be released on October
17 16, 2025. *Exhibit P to Respondents' Response.* On October 16, 2025, the CCDC sent an email
18 notifying ICE that it would release Morais-Hechavarria that morning. *Exhibit A to Respondents'*
19 *Response.* ICE detained Morais-Hechavarria at the jail release window as the CCDC released him.
20 *Id.*

21 On June 16, 2025, Respondent Sheriff Kevin McMahon entered into a Memorandum of
22 Agreement (MOA) on behalf of the LVMPD related to the Warrant Service Officer Program with
23 ICE. *Exhibit 1 to Opening Brief.* This agreement, also known as a 287(g) agreement, outlined the
24 duties of each party and identified specific training, testing and authorization letters required
25 before a LVMPD officer could be considered a Designated Immigration Officer. *Id.* The MOA
26 was not operational at the time that the CCDC released Morais-Hechavarria from custody and ICE
27 subsequently detained him. *Exhibit A to Respondents' Response.* Specifically, the LVMPD officers
28

1 had not completed the required training, ICE had not issued authorization letters or credentials and
2 no LVMPD officer served or executed any warrant pursuant to the MOA at the time ICE detained
3 Morais-Hechavarria. *Id.*

4 On October 13, 2025, Petitioners filed the instant petition that contained four claims of
5 relief: (1) Violation of NRS 211.060 “Unlawfully Housing People on Behalf of the United States”,
6 (2) Violation of Dillon’s Rule “Unlawfully Entering into the Agreement Without Grant of Power
7 by Nevada’s Legislature”, (3) Violation of Art. 1, § 18 of the Nevada Constitution and NRS 31.470
8 “Unlawfully Conducting Civil Arrests” and, (4) Violation of Dillon’s Rule and Art. 1, § 18 of the
9 Nevada Constitution “Executing Immigration Arrests without Authorization from the Nevada
10 Legislature”. *Petition*, pp. 19-24.

11 **Petition for Writ of Habeas Corpus**

12 Pursuant to NRS 34.360, a person may challenge the legality of his or her detention or
13 restraint by filing a petition for writ of habeas corpus. Morais-Hechavarria was detained at the time
14 the instant petition was filed, however ICE deported him during the pendency of this matter. As
15 such, Petitioners acknowledged that they are proceeding solely on the petition for writ of
16 mandamus. *Reporter’s Transcript of Hearing* (RTH), p. 28. The court concludes that since Morais-
17 Hechavarria is no longer in Respondents’ custody, the petition for writ of habeas corpus is moot.

18 **Petition for Writ of Mandamus**

19 A district court may issue a writ of mandamus, “to compel the performance of an act that
20 the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or
21 capricious exercise of discretion.” *International Game Technology, Inc. v. Second Judicial Dist.*
22 *Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of mandamus is an extraordinary
23 remedy that is only available when a petitioner has no plain, speedy or adequate remedy at law.
24 NRS 34.170. The Nevada Supreme Court has cautioned that while a district court has the discretion
25 to issue writs of mandamus, “it should grant such relief only to compel the performance of an act
26 that the law requires, or to control an arbitrary or capricious exercise of discretion.” *Kay v. Nunez*,
27 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006).

1 **A. Standing**

2 A petitioner establishes standing in mandamus proceedings by demonstrating he or she has
3 a beneficial interest in obtaining writ relief. *Heller v. Legislature of State of Nevada*, 120 Nev. 456,
4 460-61, 93 P.3d 746, 749 (2004). *See also* NRS 34.170 (stating that a writ shall be issued upon
5 affidavit, on the application of the party beneficially interested). A beneficial interest is a, “direct
6 and substantial interest that falls within the zone of interests to be protected by the legal duty
7 asserted.” *Id.* at 461. The Nevada Supreme Court has stressed that, “if a petitioner will gain no
8 direct benefit from the writ’s issuance and suffer no direct detriment from its denial, then the
9 petition should be denied.” *Bd. of Parole Comm’rs v. Second Judicial Dist. Court*, 135 Nev. 398,
10 400, 451 P.3d 73, 76 (2019).

11 Petitioner American Civil Liberties Union of Nevada (ACLU) asserts that it has standing
12 to pursue the stated claims pursuant to the public-importance exception recognized in *Nevada*
13 *Policy Research Institute, Inc. v. Cannizzaro*, 138 Nev. 259, 507 P.3d 1203 (2022). *Reply to*
14 *Response to Supplemental Briefing*, p. 9. The ACLU does not assert associational standing. *Id.* The
15 Nevada Supreme Court first recognized the public-importance exception to standing when it
16 concluded that, “a Nevada citizen may raise constitutional challenges to legislative expenditures
17 or appropriations without a showing of a special or personal injury.” *Schwartz v. Lopez*, 132 Nev.
18 732, 743, 382 P.3d 886, 894 (2016). To qualify for this exception, a plaintiff must raise an issue
19 of significant public importance that involves a challenge to a legislative expenditure or
20 appropriation based on a constitutional violation under the Nevada Constitution and the plaintiff
21 must be an appropriate party. *Id.* *Cannizzaro* extended the exception to include cases that allege a
22 violation of the Nevada Constitution’s separation-of-powers clause. 138 Nev. at 263, 507 P.3d at
23 1208.

24 The ACLU is a non-partisan, nonprofit organization whose mission is to defend and
25 advance the civil liberties and civil rights of Nevadans. *Exhibit 7 to Opening Brief*. In pursuit of
26 that mission, the ACLU has litigated lawsuits, “related to ensuring government actors are
27 transparent and acting within the bounds of Nevada law with respect to immigration enforcement.”
28 *Id.* While the ACLU asks this court to extend the public-importance exception to mandamus

1 proceedings, the Nevada Supreme Court has not previously addressed this exception solely in the
2 context of mandamus proceedings. Rather, the Court has repeatedly stressed that the standard
3 enunciated in *Heller* is the test for standing in mandamus proceedings. *See Reno Real Estate*
4 *Development, LLC v. Scenic Nevada, Inc.*, 141 Nev. Adv., Op. 48, 577 P.3d 683, (2025) (citing
5 the *Heller* test for standing); *Bd. of Pharmacy v. Cannabis Equity and Inclusion Cmty*, No. 85756,
6 No. 86128, 553 P.3d 440, 2024 WL 3664464 (Nev. Aug. 5, 2024) (Unpublished Disposition)
7 (identifying the test for standing in mandamus proceedings and also addressing the public-
8 importance exception as an exception to traditional standing where petitioners sought mandamus
9 as well as declaratory and injunctive relief). The Court has on more than one occasion noted that
10 the public-importance exception applies in actions for declaratory relief. *See Cannizzaro*, 138 Nev.
11 at 265 n.2, 507 P.3d at 1209 n.2. While the Nevada Supreme Court has applied the public-
12 importance exception in certain matters, it has not extended it to a proceeding involving solely a
13 writ of mandamus nor stated that it applied directly to the writ proceeding where it was combined
14 with another type of action, i.e., a complaint or request for declaratory relief. Petitioners have not
15 provided any authority for the proposition that the public-importance exception applies when
16 determining if a petitioner has standing to bring a writ of mandamus. While this court might agree
17 that the public-importance exception could apply in mandamus proceedings, it cannot speculate
18 how the Nevada Supreme Court will decide an issue in the future. *See Greater Las Vegas Short*
19 *Term Rental Ass'n v. Clark Cnty.*, No. 86264, 555 P.3d 265, 2024 WL 3934611 (Nev. Aug. 23,
20 2024) (Unpublished Disposition) (stating that, "[d]istrict courts are bound to follow controlling
21 legal precedent as set forth by appellate courts, not prognosticate about future changes to the law
22 that appellate courts might make."). Therefore, this Court analyzes standing under the *Heller*
23 standard.

24 **1. Standing- Morais-Hechavarria**

25 Morais-Hechavarria was released from custody in Nevada and deported. The court finds
26 that Morais-Hechavarria lacks standing to pursue any of the stated claims as he will gain no benefit
27 from the issuance of the writ nor suffer any detriment from the denial of the writ. Therefore, he
28

1 has no “direct and substantial interest that falls within the zone of interests to be protected by the
2 legal duty asserted.” *Heller*, 120 Nev. at 461, 93 P.3d at 749.

3 **2. Standing- the ACLU**

4 The court finds that the ACLU has standing to pursue claims one, three and four. The
5 ACLU lacks standing to pursue claim two.

6 In claim one, the ACLU asserts that the LVMPD unlawfully houses people on behalf of
7 the United States. While the ACLU focuses on the costs associated with incarceration, it also
8 argues that Respondents are unlawfully detaining people in civil matters. *Opening Brief*, pp. 12-
9 13. The stated mission of the ACLU is to protect the civil liberties of Nevadans. *Exhibit 7 to the*
10 *Opening Brief*. Additionally, it provides information to Nevadans regarding their rights under
11 Nevada law in immigration matters. *Id.* Therefore, the ACLU has a beneficial interest in ensuring
12 that the LVMPD acts in accordance with Nevada law when it detains individuals on behalf of the
13 United States. Ensuring that the LVMPD acts in accordance with Nevada law not only protects the
14 civil liberties of Nevadans, but also allows the ACLU to provide accurate information to the public.

15 As to claim two, the ACLU asserts that Respondents do not have authority to enter into
16 287(g) agreements with the federal government to enforce civil immigration laws. *Petition*, pp.
17 21-22. In mandamus proceedings, the court must focus on the legal duty asserted. Placed in that
18 context, the ACLU asserts that Respondents have a legal duty to enter into lawful agreements or
19 those explicitly authorized by the Nevada legislature. While the court agrees that the LVMPD
20 should only enter into lawful agreements, the ACLU has no direct beneficial interest in which
21 agreements the LVMPD enters into. *See Garmong v. Lyon Cnty. Bd. of Commissioners*, No. 74644,
22 439 P.3d 962, 2019 WL 1989191 (Nev. May 3, 2019) (Unpublished Disposition) (stating, “the
23 party seeking writ relief must show a ‘direct and substantial interest’ not just a generalized interest
24 as a citizen”). The ACLU has a beneficial interest in protecting civil liberties, as noted above,
25 however, the act of entering into an unlawful agreement does not necessarily result in a violation
26 of civil liberties.

27 In claim three, the ACLU alleges that Respondents are unlawfully detaining individuals
28 even after their criminal charges have been satisfied for the sole purpose of releasing them to ICE.

1 Consistent with its mission, the ACLU has a beneficial interest in ensuring that the LVMPD acts
2 in accordance with Nevada law when it detains individuals.

3 Lastly, in claim four, the ACLU asserts that because immigration is a civil matter, LVMPD
4 officers have no authority to detain individuals for immigration violations. More specifically, the
5 ACLU argues that warrants of arrest or deportation do not justify detention because they are not
6 issued by a judge or magistrate as required by Nevada law. *Petition* pp. 26-27. Again, similar to
7 claims one and three, the ACLU has a beneficial interest in ensuring that individuals are not
8 detained in violation of Nevada law.

9 While the court has concluded that standing is determined using the *Heller* standard, in an
10 abundance of caution, the court also finds that the public-importance exception as discussed in
11 *Schwartz* and *Cannizzarro* would not apply in this matter. The Nevada Supreme Court has held
12 that "the public-importance exception is narrow." *Schwartz*, 132 Nev. at 743, 382 P.3d at
13 894. While the issues presented in the petition are of significant public importance and the ACLU
14 arguably would be an appropriate party to assert the challenge, the issues do not involve a
15 legislative expenditure as required by *Schwartz* or a separation-of-powers violation as required by
16 *Cannizzarro*. The ACLU asserts, in the petition and opening brief, that the LVMPD will unlawfully
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19 branch expenditures and no case law indicates that the Nevada Supreme Court intended to include
20 executive expenditures in the exception. The ACLU also asserts that the issues in this case present
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23 without explicit statutory authority. RHT, p. 4. This falls short of an allegation that Respondents
24 are "exercis[ing] any functions, appertaining to either of the others" as required by *Cannizzarro*. 138
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26 exception is limited to extraordinary cases within the subset of cases alleging a separation-of-
27 powers violation. As such, this court cannot extend the exception beyond what the Nevada
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1 Supreme Court has repeatedly identified as a very narrow exception. 138 Nev. at 263, 507 P.3d at
2 1208.

3 **B. Mootness**

4 It is well-settled that, “a controversy must be present through all stages of the proceeding,
5 and even though a case may present a live controversy at its beginning, subsequent events may
6 render the case moot.” *Personhood Nevada v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010)
7 (internal citations omitted). This case has been rendered moot as Morais-Hechavarria was released
8 from custody.

9 The ACLU asks this court to consider the instant petition under an exception to the
10 mootness doctrine. Even if issues are moot, a court may consider the issues if they are of
11 widespread importance and capable of repetition, yet evading review. *Id.* To overcome mootness,
12 petitioners must show, “(1) the duration of the challenged action is relatively short, (2) there is a
13 likelihood that a similar issue will arise in the future, and (3) the matter is important.” *Bisch v. Las*
14 *Vegas Metropolitan Police Department*, 129 Nev. 328, 335, 302 P.3d 1108, 1113 (2013) (internal
15 citations omitted).

16 In analyzing the factors outlined in *Bisch*, the court finds that Petitioners have not satisfied
17 the factors as explained below and therefore the exception to the mootness doctrine does not apply
18 in this matter.

19 In Morais-Hechavarria’s criminal case, a district court ordered him released to inpatient
20 treatment on August 19, 2025. *Exhibit 5 to Opening Brief*. As a result of his ICE hold, the CCDC
21 held Morais-Hechavarria for almost two months after a court ordered his release to inpatient
22 treatment. Two months is a relatively short period of time. Additionally, based on the LVMPD’s
23 updated Policy 4.16, the DSD Policy 12.330 and the MOA, the period of extended detention would
24 be even shorter in future cases as the policy limits the hold to forty-eight hours. *Exhibits A and B*
25 *to the Response to Supplemental Briefing and Exhibit 1 to the Opening Brief*. As such, the duration
26 of the challenged action here is relatively short and Petitioners satisfy the first factor.

27 In its Supplemental Brief, the ACLU provided the court with an excel spreadsheet listing
28 certain data including the type of ICE forms in the CCDC’s possession and whether or not ICE

1 took action as a result of the ICE form. *Exhibit 1 to the Supplemental Brief*. The spreadsheet also
2 includes the date of the release notification. *Id.* However, the ACLU failed to include any
3 information about the date a court ordered each person released from custody and the duration of
4 the hold beyond the court-ordered release. While the spreadsheet lists the type of ICE form for
5 some people, that is whether it was a Form I-200 (warrant of arrest) or Form I-205 (warrant of
6 removal/deportation), many entries list “N/A” in the form columns. As such, the court cannot
7 discern whether the CCDC released a person at the conclusion of his or her criminal case or held
8 that person after a release date as a result of the ICE hold. Therefore, it is impossible to determine
9 if the CCDC unlawfully detained any of the individuals as the ACLU asserts.

10 The ACLU also specifically identified two defendants it alleges the CCDC unlawfully
11 detained as a result of an ICE hold, despite a court order for release from custody. In *State v. Ortiz*,
12 case number 19-F-08292X, the ACLU contends that the CCDC continued to detain Ortiz on an
13 ICE warrant even after a Justice of the Peace ordered the defendant released from custody.
14 *Supplemental Brief*, p. 7. In *State v. Fedorov*, case number C-25-388634-1, the ACLU asserts that
15 the defendant could not participate in the Adult Drug Court program as a result of his ICE hold.
16 *Reply to Supplemental Briefing*, p. 5. However, the ACLU also failed to provide any supporting
17 documentation related to these two specific cases for this court to review.

18 Under the second factor, the court must find, “that the question presented is likely to arise
19 in the future with respect to the complaining party or individuals who are similarly situated to the
20 complainant.” *Valdez-Jimenez v. Eighth Judicial Dist. Court*, 136 Nev. 155, 160, 460 P.3d 976,
21 983 (2020). In *Valdez-Jimenez*, the petitioners provided the Court with documents from other
22 criminal cases where defendants also challenged the constitutionality of Nevada’s bail process. *Id.*
23 The *Johnston* Court also applied the exception to the mootness doctrine and found that the moot
24 issue was capable of repetition, yet evading review. In that case, the petitioner provided the court
25 with examples of three criminal cases where defendants raised similar arguments and alleged a
26 violation of due process. *Johnston v. Eighth Judicial Dist. Court*, 138 Nev. 700, 518 P.3d 94
27 (2022). The petitioner asserted that he was detained in violation of due process two times in the
28 same case and then a third time at the time of oral argument on the matter. *Id.* at n.2.

1 While the court recognizes that immigration detainers have previously and will likely
2 continue to affect criminal defendants, the ACLU has not provided sufficient documentation in
3 this case to show that other defendants have been unlawfully detained pursuant to an ICE hold
4 beyond what was required to satisfy their criminal charges in Nevada. It would be speculative for
5 this court to conclude that the people listed in the excel spreadsheet were unlawfully detained
6 beyond the conclusion of their criminal case pursuant to an immigration hold as it is not supported
7 by the evidence presented. As such, Petitioners have failed to provide sufficient support to
8 establish that these issues are likely to arise in the future and therefore fail to satisfy the second
9 factor.

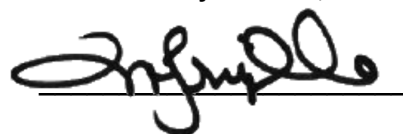
10 With respect to the third factor, there is no doubt that the issues raised in this Petition are
11 important. Immigration and detention issues affect many criminal defendants on a daily basis and
12 can absolutely have profound constitutional implications. As such, Petitioners satisfy the third
13 factor.

14 Based on the foregoing, the court finds that Morais-Hechavarria lacks standing to pursue
15 any of the claims listed in the petition. The court further finds that while the ACLU has standing
16 to pursue claims one, three and four, the issues asserted in the petition are moot and no exception
17 to the mootness doctrine applies.

18
19 **ORDER**

20 Therefore, COURT ORDERED, the Petition for Writ of Mandamus Or, in the Alternative,
21 Verified Petition for Writ of Habeas Corpus is hereby DENIED.

22 Dated this 6th day of March, 2026

23 
24

25
26 9D4 9F3 A150 3540
27 Monica Trujillo
28 District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Sergio Morais-Hechavarria,
7 Plaintiff(s)

CASE NO: A-25-930343-W

8 vs.

DEPT. NO. Department 3

9 Las Vegas Metropolitan Police
10 Department, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Decision and Order was served via the court's electronic eFile system
to all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 3/6/2026

16 Alex Fugazzi

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17 Docket Docket

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18 Debbie Shuta

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20 Sadmira Ramic

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22 Charline Kamihara

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25
26 If indicated below, a copy of the above mentioned filings were also served by mail
27 via United States Postal Service, postage prepaid, to the parties listed below at their last
28 known addresses on 3/9/2026

AA367

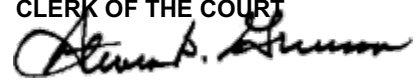
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1 **NOAS**
2 SADMIRA RAMIC, ESQ. (15984)
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4 **AMERICAN CIVIL LIBERTIES**
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12 *Attorneys for Petitioners*

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.: A-25-930343-W

Department: III

NOTICE OF APPEAL

Please take notice that American Civil Liberties Union of Nevada and Sergio Morais-Hechavarria hereby timely appeal to the Nevada Supreme Court from the judgment and order denying Petitioners' Petition for Writ of Mandamus entered in this action on March 6, 2026, and attached as Exhibit 1.

Submitted: April 3, 2026.

**AMERICAN CIVIL LIBERTIES
UNION OF NEVADA**



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Dated April 3, 2026.

/s/ Suzanne Lara
An employee of the ACLU of Nevada

EXHIBIT 1

Decision and Order in *Morais-Hechavarria v. Las Vegas Metro. Police Dep't*

1 **DAO**

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

4 AMERICAN CIVIL LIBERTIES UNION)
5 OF NEVADA, a domestic nonprofit)
6 Organization; SERGIO MORAIS-)
HECHAVARRIA, an individual,)

7 Petitioners,)

CASE NO. A-25-930343-W

8 v.)

DEPT. NO. III

9 LAS VEGAS METROPOLITAN POLICE)
10 DEPARTMENT, a government entity;)
11 KEVIN MCMAHILL, in his official)
Capacity as Las Vegas Metropolitan Police)
Department Sheriff,)

Respondents.,)

12
13 **DECISION AND ORDER**

14 This matter came before the court on November 26, 2025, Petitioners being represented by
15 Sadmira Ramic and Christopher Peterson and Respondents by Alexander Fugazzi and Alexis
16 Wendl. After hearing the arguments of counsel, the court ordered supplemental briefing on the
17 limited issue of the recurrence of similar issues in other cases as they relate to the exception to the
18 mootness doctrine. Specifically, the court directed Petitioners to show how the 957 cases cited in
19 *Exhibit 7 to the Opening Brief* were similar to the instant case. Petitioners asserts that in 2025, the
20 Las Vegas Metropolitan Police Department (LVMPD) received 957 requests to detain people on
21 its behalf from the U.S. Immigration, Customs and Enforcement (ICE). Having reviewed the
22 Petition for Writ of Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus,
23 Petitioners' Opening Brief, Respondents' Response, Petitioners' Reply, Petitioners' Supplemental
24 Briefing, Respondents' Response to Supplemental Briefing and the Reply, the attached exhibits
25 on file and considered arguments of counsel, the court hereby DENIES the Petition for Writ of
26 Mandamus Or, in the Alternative, Verified Petition for Writ of Habeas Corpus for the reasons set
27 forth below.
28

AA373

Facts Relevant to the Petition

On July 8, 2025, Petitioner Sergio Morais-Hechavarria (Morais-Hechavarria) entered a plea of guilty to one count of Attempt Possession of Stolen Vehicle in case number C-25-392542-1. On August 19, 2025, the Honorable Tara Clark-Newberry sentenced him to three hundred and sixty-four days in the Clark County Detention Center (CCDC), but suspended the sentence and placed him on probation for a period not to exceed twelve months. As a special condition to probation, the court ordered him to enter and complete an inpatient drug treatment program and he was to remain in custody pending transport to the program. *Exhibit 6 to the Opening Brief.*

Thereafter, the CCDC informed Morais-Hechavarria's attorney that he could not be released to inpatient treatment as a result of his ICE warrant. *Exhibit 5 to the Opening Brief.* The court notes that the CCDC possessed a Department of Homeland Security Form I-247A, an Immigration Detainer - Notice of Action which indicated there was a final order of removal against Morais-Hechavarria. *Exhibit I to Respondents' Response.* The CCDC also possessed an ICE form I-205, a Warrant of Removal/Deportation, which stated that Morais-Hechavarria was subject to removal/deportation upon a final order by an immigration judge. *Exhibit J to Respondents' Response.* On October 14, 2025, the CCDC placed Petitioner on the list to be released on October 16, 2025. *Exhibit P to Respondents' Response.* On October 16, 2025, the CCDC sent an email notifying ICE that it would release Morais-Hechavarria that morning. *Exhibit A to Respondents' Response.* ICE detained Morais-Hechavarria at the jail release window as the CCDC released him. *Id.*

On June 16, 2025, Respondent Sheriff Kevin McMahon entered into a Memorandum of Agreement (MOA) on behalf of the LVMPD related to the Warrant Service Officer Program with ICE. *Exhibit 1 to Opening Brief.* This agreement, also known as a 287(g) agreement, outlined the duties of each party and identified specific training, testing and authorization letters required before a LVMPD officer could be considered a Designated Immigration Officer. *Id.* The MOA was not operational at the time that the CCDC released Morais-Hechavarria from custody and ICE subsequently detained him. *Exhibit A to Respondents' Response.* Specifically, the LVMPD officers

1 had not completed the required training, ICE had not issued authorization letters or credentials and
2 no LVMPD officer served or executed any warrant pursuant to the MOA at the time ICE detained
3 Morais-Hechavarria. *Id.*

4 On October 13, 2025, Petitioners filed the instant petition that contained four claims of
5 relief: (1) Violation of NRS 211.060 “Unlawfully Housing People on Behalf of the United States”,
6 (2) Violation of Dillon’s Rule “Unlawfully Entering into the Agreement Without Grant of Power
7 by Nevada’s Legislature”, (3) Violation of Art. 1, § 18 of the Nevada Constitution and NRS 31.470
8 “Unlawfully Conducting Civil Arrests” and, (4) Violation of Dillon’s Rule and Art. 1, § 18 of the
9 Nevada Constitution “Executing Immigration Arrests without Authorization from the Nevada
10 Legislature”. *Petition*, pp. 19-24.

11 **Petition for Writ of Habeas Corpus**

12 Pursuant to NRS 34.360, a person may challenge the legality of his or her detention or
13 restraint by filing a petition for writ of habeas corpus. Morais-Hechavarria was detained at the time
14 the instant petition was filed, however ICE deported him during the pendency of this matter. As
15 such, Petitioners acknowledged that they are proceeding solely on the petition for writ of
16 mandamus. *Reporter’s Transcript of Hearing* (RTH), p. 28. The court concludes that since Morais-
17 Hechavarria is no longer in Respondents’ custody, the petition for writ of habeas corpus is moot.

18 **Petition for Writ of Mandamus**

19 A district court may issue a writ of mandamus, “to compel the performance of an act that
20 the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or
21 capricious exercise of discretion.” *International Game Technology, Inc. v. Second Judicial Dist.*
22 *Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of mandamus is an extraordinary
23 remedy that is only available when a petitioner has no plain, speedy or adequate remedy at law.
24 NRS 34.170. The Nevada Supreme Court has cautioned that while a district court has the discretion
25 to issue writs of mandamus, “it should grant such relief only to compel the performance of an act
26 that the law requires, or to control an arbitrary or capricious exercise of discretion.” *Kay v. Nunez*,
27 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006).

1 **A. Standing**

2 A petitioner establishes standing in mandamus proceedings by demonstrating he or she has
3 a beneficial interest in obtaining writ relief. *Heller v. Legislature of State of Nevada*, 120 Nev. 456,
4 460-61, 93 P.3d 746, 749 (2004). *See also* NRS 34.170 (stating that a writ shall be issued upon
5 affidavit, on the application of the party beneficially interested). A beneficial interest is a, “direct
6 and substantial interest that falls within the zone of interests to be protected by the legal duty
7 asserted.” *Id.* at 461. The Nevada Supreme Court has stressed that, “if a petitioner will gain no
8 direct benefit from the writ’s issuance and suffer no direct detriment from its denial, then the
9 petition should be denied.” *Bd. of Parole Comm’rs v. Second Judicial Dist. Court*, 135 Nev. 398,
10 400, 451 P.3d 73, 76 (2019).

11 Petitioner American Civil Liberties Union of Nevada (ACLU) asserts that it has standing
12 to pursue the stated claims pursuant to the public-importance exception recognized in *Nevada*
13 *Policy Research Institute, Inc. v. Cannizzaro*, 138 Nev. 259, 507 P.3d 1203 (2022). *Reply to*
14 *Response to Supplemental Briefing*, p. 9. The ACLU does not assert associational standing. *Id.* The
15 Nevada Supreme Court first recognized the public-importance exception to standing when it
16 concluded that, “a Nevada citizen may raise constitutional challenges to legislative expenditures
17 or appropriations without a showing of a special or personal injury.” *Schwartz v. Lopez*, 132 Nev.
18 732, 743, 382 P.3d 886, 894 (2016). To qualify for this exception, a plaintiff must raise an issue
19 of significant public importance that involves a challenge to a legislative expenditure or
20 appropriation based on a constitutional violation under the Nevada Constitution and the plaintiff
21 must be an appropriate party. *Id.* *Cannizzaro* extended the exception to include cases that allege a
22 violation of the Nevada Constitution’s separation-of-powers clause. 138 Nev. at 263, 507 P.3d at
23 1208.

24 The ACLU is a non-partisan, nonprofit organization whose mission is to defend and
25 advance the civil liberties and civil rights of Nevadans. *Exhibit 7 to Opening Brief*. In pursuit of
26 that mission, the ACLU has litigated lawsuits, “related to ensuring government actors are
27 transparent and acting within the bounds of Nevada law with respect to immigration enforcement.”
28 *Id.* While the ACLU asks this court to extend the public-importance exception to mandamus

proceedings, the Nevada Supreme Court has not previously addressed this exception solely in the context of mandamus proceedings. Rather, the Court has repeatedly stressed that the standard enunciated in *Heller* is the test for standing in mandamus proceedings. See *Reno Real Estate Development, LLC v. Scenic Nevada, Inc.*, 141 Nev. Adv., Op. 48, 577 P.3d 683, (2025) (citing the *Heller* test for standing); *Bd. of Pharmacy v. Cannabis Equity and Inclusion Cmty*, No. 85756, No. 86128, 553 P.3d 440, 2024 WL 3664464 (Nev. Aug. 5, 2024) (Unpublished Disposition) (identifying the test for standing in mandamus proceedings and also addressing the public-importance exception as an exception to traditional standing where petitioners sought mandamus as well as declaratory and injunctive relief). The Court has on more than one occasion noted that the public-importance exception applies in actions for declaratory relief. See *Cannizzaro*, 138 Nev. at 265 n.2, 507 P.3d at 1209 n.2. While the Nevada Supreme Court has applied the public-importance exception in certain matters, it has not extended it to a proceeding involving solely a writ of mandamus nor stated that it applied directly to the writ proceeding where it was combined with another type of action, i.e., a complaint or request for declaratory relief. Petitioners have not provided any authority for the proposition that the public-importance exception applies when determining if a petitioner has standing to bring a writ of mandamus. While this court might agree that the public-importance exception could apply in mandamus proceedings, it cannot speculate how the Nevada Supreme Court will decide an issue in the future. See *Greater Las Vegas Short Term Rental Ass'n v. Clark Cnty.*, No. 86264, 555 P.3d 265, 2024 WL 3934611 (Nev. Aug. 23, 2024) (Unpublished Disposition) (stating that, "[d]istrict courts are bound to follow controlling legal precedent as set forth by appellate courts, not prognosticate about future changes to the law that appellate courts might make."). Therefore, this Court analyzes standing under the *Heller* standard.

1. Standing- Morais-Hechavarria

Morais-Hechavarria was released from custody in Nevada and deported. The court finds that Morais-Hechavarria lacks standing to pursue any of the stated claims as he will gain no benefit from the issuance of the writ nor suffer any detriment from the denial of the writ. Therefore, he

1 has no “direct and substantial interest that falls within the zone of interests to be protected by the
2 legal duty asserted.” *Heller*, 120 Nev. at 461, 93 P.3d at 749.

3 **2. Standing- the ACLU**

4 The court finds that the ACLU has standing to pursue claims one, three and four. The
5 ACLU lacks standing to pursue claim two.

6 In claim one, the ACLU asserts that the LVMPD unlawfully houses people on behalf of
7 the United States. While the ACLU focuses on the costs associated with incarceration, it also
8 argues that Respondents are unlawfully detaining people in civil matters. *Opening Brief*, pp. 12-
9 13. The stated mission of the ACLU is to protect the civil liberties of Nevadans. *Exhibit 7 to the*
10 *Opening Brief*. Additionally, it provides information to Nevadans regarding their rights under
11 Nevada law in immigration matters. *Id.* Therefore, the ACLU has a beneficial interest in ensuring
12 that the LVMPD acts in accordance with Nevada law when it detains individuals on behalf of the
13 United States. Ensuring that the LVMPD acts in accordance with Nevada law not only protects the
14 civil liberties of Nevadans, but also allows the ACLU to provide accurate information to the public.

15 As to claim two, the ACLU asserts that Respondents do not have authority to enter into
16 287(g) agreements with the federal government to enforce civil immigration laws. *Petition*, pp.
17 21-22. In mandamus proceedings, the court must focus on the legal duty asserted. Placed in that
18 context, the ACLU asserts that Respondents have a legal duty to enter into lawful agreements or
19 those explicitly authorized by the Nevada legislature. While the court agrees that the LVMPD
20 should only enter into lawful agreements, the ACLU has no direct beneficial interest in which
21 agreements the LVMPD enters into. *See Garmong v. Lyon Cnty. Bd. of Commissioners*, No. 74644,
22 439 P.3d 962, 2019 WL 1989191 (Nev. May 3, 2019) (Unpublished Disposition) (stating, “the
23 party seeking writ relief must show a ‘direct and substantial interest’ not just a generalized interest
24 as a citizen”). The ACLU has a beneficial interest in protecting civil liberties, as noted above,
25 however, the act of entering into an unlawful agreement does not necessarily result in a violation
26 of civil liberties.

27 In claim three, the ACLU alleges that Respondents are unlawfully detaining individuals
28 even after their criminal charges have been satisfied for the sole purpose of releasing them to ICE.

1 Consistent with its mission, the ACLU has a beneficial interest in ensuring that the LVMPD acts
2 in accordance with Nevada law when it detains individuals.

3 Lastly, in claim four, the ACLU asserts that because immigration is a civil matter, LVMPD
4 officers have no authority to detain individuals for immigration violations. More specifically, the
5 ACLU argues that warrants of arrest or deportation do not justify detention because they are not
6 issued by a judge or magistrate as required by Nevada law. *Petition* pp. 26-27. Again, similar to
7 claims one and three, the ACLU has a beneficial interest in ensuring that individuals are not
8 detained in violation of Nevada law.

9 While the court has concluded that standing is determined using the *Heller* standard, in an
10 abundance of caution, the court also finds that the public-importance exception as discussed in
11 *Schwartz* and *Cannizzarro* would not apply in this matter. The Nevada Supreme Court has held
12 that "the public-importance exception is narrow." *Schwartz*, 132 Nev. at 743, 382 P.3d at
13 894. While the issues presented in the petition are of significant public importance and the ACLU
14 arguably would be an appropriate party to assert the challenge, the issues do not involve a
15 legislative expenditure as required by *Schwartz* or a separation-of-powers violation as required by
16 *Cannizzarro*. The ACLU asserts, in the petition and opening brief, that the LVMPD will unlawfully
17 expend funds under the MOA, however, those funds are not legislative expenditures or
18 appropriations. Instead, any hypothetical expenditures arising from the MOA would be executive
19 branch expenditures and no case law indicates that the Nevada Supreme Court intended to include
20 executive expenditures in the exception. The ACLU also asserts that the issues in this case present
21 a separation-of-powers violation. Specifically, the ACLU claims that the LVMPD, an executive
22 branch entity, has infringed on the authority of the Nevada legislature by entering into agreements
23 without explicit statutory authority. RHT, p. 4. This falls short of an allegation that Respondents
24 are "exercis[ing] any functions, appertaining to either of the others" as required by *Cannizzarro*. 138
25 Nev. at 264, 507 P.3d at 1209. The Nevada Supreme Court has stressed that the public-importance
26 exception is limited to extraordinary cases within the subset of cases alleging a separation-of-
27 powers violation. As such, this court cannot extend the exception beyond what the Nevada
28

1 Supreme Court has repeatedly identified as a very narrow exception. 138 Nev. at 263, 507 P.3d at
2 1208.

3 **B. Mootness**

4 It is well-settled that, “a controversy must be present through all stages of the proceeding,
5 and even though a case may present a live controversy at its beginning, subsequent events may
6 render the case moot.” *Personhood Nevada v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010)
7 (internal citations omitted). This case has been rendered moot as Morais-Hechavarria was released
8 from custody.

9 The ACLU asks this court to consider the instant petition under an exception to the
10 mootness doctrine. Even if issues are moot, a court may consider the issues if they are of
11 widespread importance and capable of repetition, yet evading review. *Id.* To overcome mootness,
12 petitioners must show, “(1) the duration of the challenged action is relatively short, (2) there is a
13 likelihood that a similar issue will arise in the future, and (3) the matter is important.” *Bisch v. Las*
14 *Vegas Metropolitan Police Department*, 129 Nev. 328, 335, 302 P.3d 1108, 1113 (2013) (internal
15 citations omitted).

16 In analyzing the factors outlined in *Bisch*, the court finds that Petitioners have not satisfied
17 the factors as explained below and therefore the exception to the mootness doctrine does not apply
18 in this matter.

19 In Morais-Hechavarria’s criminal case, a district court ordered him released to inpatient
20 treatment on August 19, 2025. *Exhibit 5 to Opening Brief*. As a result of his ICE hold, the CCDC
21 held Morais-Hechavarria for almost two months after a court ordered his release to inpatient
22 treatment. Two months is a relatively short period of time. Additionally, based on the LVMPD’s
23 updated Policy 4.16, the DSD Policy 12.330 and the MOA, the period of extended detention would
24 be even shorter in future cases as the policy limits the hold to forty-eight hours. *Exhibits A and B*
25 *to the Response to Supplemental Briefing and Exhibit 1 to the Opening Brief*. As such, the duration
26 of the challenged action here is relatively short and Petitioners satisfy the first factor.

27 In its Supplemental Brief, the ACLU provided the court with an excel spreadsheet listing
28 certain data including the type of ICE forms in the CCDC’s possession and whether or not ICE

1 took action as a result of the ICE form. *Exhibit 1 to the Supplemental Brief*. The spreadsheet also
2 includes the date of the release notification. *Id.* However, the ACLU failed to include any
3 information about the date a court ordered each person released from custody and the duration of
4 the hold beyond the court-ordered release. While the spreadsheet lists the type of ICE form for
5 some people, that is whether it was a Form I-200 (warrant of arrest) or Form I-205 (warrant of
6 removal/deportation), many entries list “N/A” in the form columns. As such, the court cannot
7 discern whether the CCDC released a person at the conclusion of his or her criminal case or held
8 that person after a release date as a result of the ICE hold. Therefore, it is impossible to determine
9 if the CCDC unlawfully detained any of the individuals as the ACLU asserts.

10 The ACLU also specifically identified two defendants it alleges the CCDC unlawfully
11 detained as a result of an ICE hold, despite a court order for release from custody. In *State v. Ortiz*,
12 case number 19-F-08292X, the ACLU contends that the CCDC continued to detain Ortiz on an
13 ICE warrant even after a Justice of the Peace ordered the defendant released from custody.
14 *Supplemental Brief*, p. 7. In *State v. Fedorov*, case number C-25-388634-1, the ACLU asserts that
15 the defendant could not participate in the Adult Drug Court program as a result of his ICE hold.
16 *Reply to Supplemental Briefing*, p. 5. However, the ACLU also failed to provide any supporting
17 documentation related to these two specific cases for this court to review.

18 Under the second factor, the court must find, “that the question presented is likely to arise
19 in the future with respect to the complaining party or individuals who are similarly situated to the
20 complainant.” *Valdez-Jimenez v. Eighth Judicial Dist. Court*, 136 Nev. 155, 160, 460 P.3d 976,
21 983 (2020). In *Valdez-Jimenez*, the petitioners provided the Court with documents from other
22 criminal cases where defendants also challenged the constitutionality of Nevada’s bail process. *Id.*
23 The *Johnston* Court also applied the exception to the mootness doctrine and found that the moot
24 issue was capable of repetition, yet evading review. In that case, the petitioner provided the court
25 with examples of three criminal cases where defendants raised similar arguments and alleged a
26 violation of due process. *Johnston v. Eighth Judicial Dist. Court*, 138 Nev. 700, 518 P.3d 94
27 (2022). The petitioner asserted that he was detained in violation of due process two times in the
28 same case and then a third time at the time of oral argument on the matter. *Id.* at n.2.

1 While the court recognizes that immigration detainers have previously and will likely
2 continue to affect criminal defendants, the ACLU has not provided sufficient documentation in
3 this case to show that other defendants have been unlawfully detained pursuant to an ICE hold
4 beyond what was required to satisfy their criminal charges in Nevada. It would be speculative for
5 this court to conclude that the people listed in the excel spreadsheet were unlawfully detained
6 beyond the conclusion of their criminal case pursuant to an immigration hold as it is not supported
7 by the evidence presented. As such, Petitioners have failed to provide sufficient support to
8 establish that these issues are likely to arise in the future and therefore fail to satisfy the second
9 factor.

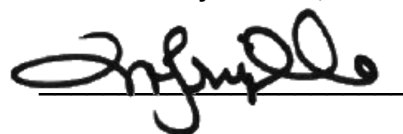
10 With respect to the third factor, there is no doubt that the issues raised in this Petition are
11 important. Immigration and detention issues affect many criminal defendants on a daily basis and
12 can absolutely have profound constitutional implications. As such, Petitioners satisfy the third
13 factor.

14 Based on the foregoing, the court finds that Morais-Hechavarria lacks standing to pursue
15 any of the claims listed in the petition. The court further finds that while the ACLU has standing
16 to pursue claims one, three and four, the issues asserted in the petition are moot and no exception
17 to the mootness doctrine applies.

18
19 **ORDER**

20 Therefore, COURT ORDERED, the Petition for Writ of Mandamus Or, in the Alternative,
21 Verified Petition for Writ of Habeas Corpus is hereby DENIED.

22 Dated this 6th day of March, 2026

23 
24

25
26 9D4 9F3 A150 3540
27 Monica Trujillo
28 District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Sergio Morais-Hechavarria,
7 Plaintiff(s)

CASE NO: A-25-930343-W

8 vs.

DEPT. NO. Department 3

9 Las Vegas Metropolitan Police
10 Department, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Decision and Order was served via the court's electronic eFile system
to all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 3/6/2026

16 Alex Fugazzi

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26 If indicated below, a copy of the above mentioned filings were also served by mail
27 via United States Postal Service, postage prepaid, to the parties listed below at their last
28 known addresses on 3/9/2026

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