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13 **EIGHTH JUDICIAL DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

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

19 Petitioners,

20 vs.

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

Respondents.

Case No.:

Department:

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

Hearing requested

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

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

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

6 Petitioner hereby alleges:

7 **I. INTRODUCTION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 /

21 /

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

II. PARTIES

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

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

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

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

III. JURISDICTION AND VENUE

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

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

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

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

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

3 **IV. STANDING**

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

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

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

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

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

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

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

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

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

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

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

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

16 49. Petitioner ACLU of Nevada is the appropriate party to bring the suit because it has
17 a direct interest in procuring the enforcement of LVMPD’s public duty to not act outside of the
18 authority granted to it by the Nevada Legislature. In other words, ACLU of Nevada has a direct
19 interest in litigating LVMPD’s unilateral decision to enter into a 287(g) agreement which exceeded
20 its authority and usurped the Nevada Legislature’s “power to increase, diminish, consolidate or
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22
23 ² The numbers reflected in the DSD Immigration report include requests by ICE to LVMPD
before a 287(g) agreement was executed.

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

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

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

V. LEGAL STANDARD

A. Writ of Mandamus

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

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

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

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

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

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

3 **B. Writ of Habeas Corpus**

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

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

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

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

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

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

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

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

3 **VI. STATEMENT OF FACTS**

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

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

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

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

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

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

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

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

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

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

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

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

12 Ex. 1 at 1–2, 8.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **D. ACLU of Nevada Facts**

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

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

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

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

4 **VII. LEGAL AUTHORITY**

5 **A. Article 4, Section 32 of the Nevada Constitution and Dillon’s Rule**

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

10 96. Beyond this is Nevada courts’ longstanding application of Dillon's Rule, which
11 defines and limits the powers of county, city, and local governments. *See Ronnow v. Las Vegas*,
12 57 Nev. 332, 342–43, 65 P.2d 133, 136 (1937) (applying Dillon’s Rule to municipal corporations);
13 *Flores v. Las Vegas-Clark Cnty. Library Dist.*, 134 Nev. 827, 833 n.7, 432 P.3d 173, 178 (2018)
14 (noting application of Dillon’s Rule to local government); The Nevada Association of Counties,
15 *The Nevada County Commissioner Handbook*, 6 (2020) (“Nevada is a Dillon’s Rule State,
16 meaning that unless the power to do something has been expressly granted to the county by the
17 state legislature through the adoption of a statute, they do not possess it.”).

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

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

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

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

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

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

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

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

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

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

19 **C. NRS 211.060**

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

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

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

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

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

8 (b) All legal fees of the jailer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **E. NRS 171.124**

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

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

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

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

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

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

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

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

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

22 **VIII. CLAIMS FOR RELIEF**

23 **FIRST CLAIM FOR RELIEF**

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

Violation of NRS 211.060

(Unlawfully Housing People on Behalf of the United States)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **SECOND CLAIM FOR RELIEF**

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

14 **Violation of Dillon’s Rule**

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

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

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

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

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

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

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

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

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

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

14 **THIRD CLAIM FOR RELIEF**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **FOURTH CLAIM FOR RELIEF**

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

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

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

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

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

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

24 158. Pursuant to NRS 171.124:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **IX. REQUEST FOR RELIEF**

19 Wherefore, Petitioners respectfully request this Court to:

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

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

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

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

4 Dated this 13th day of October, 2025.

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

7 

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Dated this 13th day of October, 2025.

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INDEX OF EXHIBITS

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4	DSD Immigration Report	September 2, 2025	1
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6	Morais-Hechavarria Judgment of Conviction	September 2, 2025	3
7	Declaration of Athar Haseebullah	October 9, 2025	3

EXHIBIT 1
LVMPD'S 287(g) MOA

MEMORANDUM OF AGREEMENT

Warrant Service Officer Program

I. PARTIES

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

II. PURPOSE

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

III. AUTHORITY

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

IV. RESPONSIBILITIES

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

A. DESIGNATION OF AUTHORIZED FUNCTIONS

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

B. NOMINATION OF PERSONNEL

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

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

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

C. TRAINING OF PERSONNEL

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

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

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

D. CERTIFICATION AND AUTHORIZATION

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

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

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

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

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

E. COSTS AND EXPENDITURES

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

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

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

F. ICE SUPERVISION

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

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

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

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

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

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

G. INTERPRETATION SERVICES

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

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

H. LIABILITY AND RESPONSIBILITY

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

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

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

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

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

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

I. CIVIL RIGHTS STANDARDS

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

V. REPORTING AND DOCUMENTATION

A. COMPLAINT PROCEDURES

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

B. COMMUNICATION

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

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

C. COMMUNITY OUTREACH

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

D. RELEASE OF INFORMATION TO THIRD PARTIES

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

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

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

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

VI. MODIFICATIONS TO THIS MOA

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

VII. POINTS OF CONTACT

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

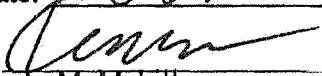
VIII. EFFECTIVE DATE AND TERMINATION OF THIS MOA

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

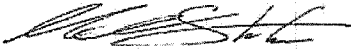
receipt of such notice, unless exigent circumstances involving public safety dictate otherwise. Notice of termination or suspension by the LEA shall be given to the FOD and termination or suspension shall take effect 90-days after receipt of such notice, unless exigent circumstances involving public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

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

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

Date: 053025

Kevin McMahon
Sheriff
Las Vegas Metropolitan Police Dept

Date: 6/16/2025

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

APPENDIX A STANDARD OPERATING PROCEDURES (SOP)

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

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

Authorized Functions:

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

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

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

Additional Supervisory and Administrative Responsibilities:

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

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

APPENDIX B COMPLAINT PROCEDURE

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

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

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

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

APPENDIX C PUBLIC INFORMATION POINTS OF CONTACT

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

For the Las Vegas Metropolitan Police Dept:

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

For ICE:

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

EXHIBIT 2

Sample Form I 205: Warrant of Removal/Deportation

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

WARRANT OF REMOVAL/DEPORTATION

File No: _____

Date: _____

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

(Full name of alien)

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

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

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

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

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

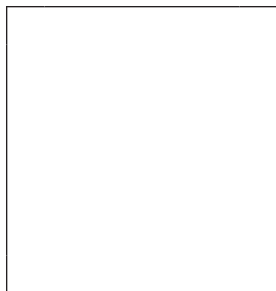
(Signature of immigration officer)

(Title of immigration officer)

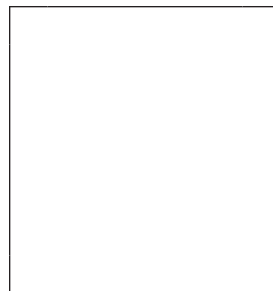
(Date and office location)

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

Port, date, and manner of removal:



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of immigration officer taking print)

Departure witnessed by:

(Signature and title of immigration officer)

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

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

Departure Verified by:

(Signature and title of immigration officer)

EXHIBIT 3

Sample Form I 200: Warrant of Arrest

File No. _____

Date: _____

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

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

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

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

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

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

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

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

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

EXHIBIT 4

DSD Immigration Report



Weekly DSD Immigration Report

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

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

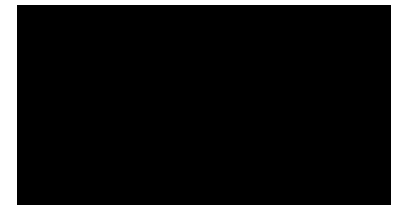


EXHIBIT 5

Inpatient Referral Emails

Get [Outlook for iOS](#)

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

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

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

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

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

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

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

Get [Outlook for iOS](#)

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

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

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

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

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

Subject: Re: Sergio Morais Hechaavarria

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

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

Thank you,
Nicole Weis

Get [Outlook for iOS](#)

From: Samiko Swonger <S9615S@LVMPD.COM>

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

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

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

Subject: RE: Sergio Morais Hechaavarria

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

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

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

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

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

Subject: Sergio Morais Hechaavarria

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

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

Glennie Chavez, LMSW

Social Worker

Clark County Public Defender's Office

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

Glennie.chavez@clarkcountyNV.gov

EXHIBIT 6

Morais-Hechavarria Judgment of Conviction

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

SERGIO MORAIS-HECHAVARRIA,
#8332753

Defendant.

CASE NO: C-25-392542-1

DEPT NO: XXI

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

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

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

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

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

BOND, if any, EXONERATED.

Dated this 2nd day of September, 2025



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

EXHIBIT 7

Declaration of Athar
Haseebullah

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

12 *Attorneys for Petitioners*

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

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

21
22 Petitioners,

23 vs.

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

Respondents.

Case No.:

Department:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16
17 By: 
ATHAR HASEEBULLAH, ESQ.
18 NV Bar. No #13646
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