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2 District of Nevada

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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 JULIA DAVILA,)
13 Plaintiff,) Case No: 2:14-cv-00931-RCJ-CWH
14 v.)
15 ERIC H. HOLDER, JR., Attorney General of)
the United States, *et al.*,)
16 Defendants.)

17 **SPECIAL SHOW CAUSE MOTION TO ADMIT GOVERNMENT ATTORNEY TO**
18 **PRACTICE IN THE DISTRICT OF NEVADA FOR DURATION OF ATTORNEY'S**
19 **GOVERNMENT EMPLOYMENT**

20 Pursuant to LR IA 10-3, the United States of America respectfully requests that this honorable
21 Court admit Government attorney Theo Nickerson to practice in the District of Nevada for the above-
22 captioned case and in all matters in this district during the period of employment by the United States.

23 Rule IA 10-3 provides:

24 Unless otherwise ordered by the Court, any nonresident attorney who is a member in good
25 standing of the highest court of any state, commonwealth, territory, or the District of
Columbia, who is employed by the United States as an attorney and, while being so employed,
26 has occasion to appear in this Court on behalf of the United States, shall, upon motion of the
United States Attorney or the Federal Public Defender for this district or one of the assistants,
be permitted to practice before this court during the period of such employment.

1 Ms. Nickerson is an attorney with the United States Department of Justice, Civil Division,
2 Office of Immigration Litigation, an agency of the federal government, and is a member in good
3 standing of the State Bar of Connecticut (No. 429356).

4 In addition, the “conduct of litigation in which the United States, an agency, or officer thereof
5 is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of
6 Justice, under the discretion of the Attorney General.” 28 U.S.C. § 516. In addition, pursuant to 28
7 U.S.C. § 515(a), the Attorney General or any other officer of the Department of Justice is authorized to
8 conduct any kind of legal proceeding, civil or criminal, which United States Attorneys are authorized
9 to conduct, “whether or not he is a resident of the district in which the proceeding is brought.” Further,
10 any officer of the Department of Justice may be sent by the Attorney General to any judicial district in
11 the United States “to attend to the interests of the United States in a suit pending in a court of the
12 United States, . . . or to attend to any other interest of the United States.” 28 U.S.C. § 517.

13 Pursuant to these statutory authorities, the Attorney General has delegated litigation authority
14 to the Assistant Attorney General for the Civil Division, 28 C.F.R., Subpart I, including the defense of
15 “challenged actions of Government agencies and officers, . . .”. 28 C.F.R. § 0.45(h).

16 While these statutory and legal authorities ordinarily establish the basis for a Department of
17 Justice, Civil Division, Office of Immigration Litigation attorney to appear on behalf of the United
18 States in any federal court, on June 6, 2012, this Court gave notice to the First Assistant U.S. Attorney
19 for the United States Attorney’s Office for the District of Nevada that the Court “will no longer grant
20 *pro hac* recognition to Washington D.C. Justice Attorneys without a special show cause that they will
21 comply with court orders, local ethical rules and the rules of the State Bar of Nevada.” (*United States*
22 *of America v. Estate of E. Wayne Hage, et al.*, 2:07-cv-01154-RCJ-VCF; ECF # 336 at 2). In light of
23 that notice, the United States attaches the Declaration of Theo Nickerson, which attests that Ms.
24 Nickerson will comply with court orders, local ethical rules, and the rules of the State Bar of Nevada.

25 . . .

26 . . .

1 The following contact information is provided to the Court:

2 Theo Nickerson
3 Trial Attorney
4 District Court Section
5 Office of Immigration Litigation
6 Civil Division
7 U.S. Department of Justice
8 PO Box 868, Ben Franklin Station
9 Washington, D.C. 20044
10 Phone: (202) 616-8906
11 Fax: (202) 305-7000
12 Email: Theo.Nickerson@usdoj.gov

13 Accordingly, the United States respectfully requests that an order be issued at the earliest
14 opportunity permitting Theo Nickerson to practice before this Court.

15 Respectfully submitted this 3rd day of December 2014.

16 DANIEL G. BOGDEN
17 United States Attorney

18 /s/ Justin E. Pingel
19 JUSTIN E. PINGEL
20 Assistant United States Attorney

21 IT IS SO ORDERED.

22 
23 _____
24 UNITED STATES MAGISTRATE JUDGE
25 DATED: December 4, 2014
26 _____

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2 District of Nevada

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12 *Attorneys for the United States of America*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 JULIA DAVILA,)
16 Plaintiff,) Case No: 2:14-cv-000931-RCJ-CWH
17 v.)
18 ERIC H. HOLDER, *et al.*,)
19 Defendants.)
20

21 **DECLARATION OF THEO NICKERSON**

22 I, Theo Nickerson, provide the following declaration in accordance with 28 U.S.C.

23 § 1746:

- 24 1. I submit this information in support of the Motion and Special Show Cause to Permit
25 Appearance of Government Counsel Pro Hac Vice. I have personal knowledge of the facts
26 stated herein. If called upon to testify, I would testify that the facts set forth in this declaration

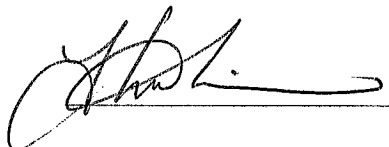
1 are true and correct.

- 2 2. In 2004, I received a B.A. in Political Science from The University of Arizona in Tucson,
3 Arizona. In 2008, I received a J.D. from the State University of New York at Buffalo in Buffalo,
4 New York. In October 2008, I was admitted to the State Bar of Connecticut and have remained a
5 member in good standing of the State Bar of Connecticut at all times since then.
- 6 3. I have worked continuously as a practicing attorney for more than 6 years with the Department
7 Of Justice Civil Division. In my capacity as a trial attorney with the Civil Division , I have
8 practiced before the United States District Courts in various states, including
9 Washington, Arizona, Texas, Florida, New Jersey, Alabama, Oregon, and New York.
- 10 4. I have never been the subject of any ethical proceeding, nor has any court or individual ever
11 alleged that I have acted in any manner other than in strict accordance with all applicable legal
12 and ethical rules and standards of conduct.
- 13 5. I have been asked by the Department of Justice to serve as lead counsel in the present case,
14 *Davila v. Holder*, Case No. 2:14-cv-000931-RCJ-CWH.
- 15 6. I hereby attest and affirm that I will comply with this Court's Orders. I further attest and affirm
16 that I have reviewed and will comply with local ethical rules and the rules of the State Bar of
17 Nevada.

18 I declare under penalty of perjury under the laws of the United States of America that the
19 foregoing is true and correct to the best of my knowledge and belief.

20 Executed this 20th day of November, 2014 in Washington, D.C.

24



THEO NICKERSON