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17 *Attorneys for Respondents*

18 **UNITED STATES DISTRICT COURT**
19 **FOR THE DISTRICT OF ARIZONA**

20 Samir Aghar,

21 Petitioner,

22 v.

23 Fred Figueroa, Warden, *et al.*,

24 Respondents.

Case No. 2:25-cv-03147-KML-CDB

**UNOPPOSED MOTION FOR STAY
OF DISCOVERY ORDER [ECF No. 15]
UNTIL RESOLUTION OF HABEAS
PETITION**

1 Respondents respectfully ask that the Court stay its discovery order (ECF No. 15)
2 until the Court resolves the arguments presented in Respondents' forthcoming Return in
3 Opposition of the Petition to be filed today. Respondents conferred with Petitioner's
4 counsel pursuant to LRCiv. 7.3(b) and counsel affirmed that Petitioner has no objection to
5 a stay of discovery to allow for resolution of the Court's jurisdiction over this Petition.
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7 A district court has "broad discretion to stay proceedings." *Clinton v. Jones*, 520
8 U.S. 681, 706 (1997). "[T]he power to stay proceedings is incidental to the power inherent
9 in every court to control the disposition of the causes on its docket" *Landis v. North*
10 *Am. Co.*, 299 U.S. 248, 254 (1936). When there is a jurisdictional issue, a court has
11 discretion to stay discovery pending resolution. *See In re Netflix Antitrust Litig.*, 506 F.
12 Supp. 2d 308, 321 (N.D. Cal. 2007) (citing *Jarvis v. Regan*, 833 F.2d 149, 155 (9th
13 Cir.1987)) ("District courts have broad discretion to stay discovery pending the resolution
14 of a potentially dispositive motion").
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17 At issue is Petitioner's second claim, which argues Respondents failed "to consider
18 Mr. Aghar for placement with a sponsor" within the statutory requirements of 8 U.S.C.
19 § 1232(c)(2)(B). Respondents will argue in the forthcoming Return, as they have already
20 done so in the Motion for Reconsideration (ECF No. 16), that this Court lacks jurisdiction
21 to hear this claim because (1) judicial review of the ultimate custody determination under
22 Section 1232(c)(2)(B) is barred under 8 U.S.C. § 1252(a)(2)(B)(ii) and this claim is more
23 appropriately brought in the District Court for the District of Columbia within the *Garcia*
24 *Ramirez* class action litigation, where class counsel is already tasked by that court with
25 resolving individual claims—identical to Petitioner's claim here—of noncompliance with
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1 that court's permanent injunction regarding the Age-Out process. Thus, a stay of discovery
2 in the alternative would conserve the Court's resources as it would allow all jurisdictional
3 arguments to be before the Court, and for the Court to determine jurisdiction, before
4 discovery is produced.
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6 For the foregoing reasons, and because this Motion is unopposed, Respondents ask
7 that the Court grant a stay of the discovery order (ECF No. 15) until the arguments
8 presented in the Return in Opposition of the Petition are resolved. In the event the Court
9 disagrees with Respondents' jurisdictional arguments, Respondents ask for three days from
10 an order to produce discovery. A proposed order is attached.
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1 DATED this 24th day of September 2025.

Respectfully Submitted,

2 BRETT A. SHUMATE
3 Assistant Attorney General
4 Civil Division

5 YAMILETH G. DAVILA
6 Assistant Director
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8 JAMES J. WALKER
9 Senior Litigation Counsel

10 /s/ Jaime A. Scott
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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document on September 24, 2025, on the Electronic Case Filing (ECF) System, which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/ Jaime A. Scott

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