

**UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS**

SAN ANTONIO DIVISION

ESAU ERNEST CHICAS ORTEGA,

Petitioner,

v.

Sylvester Ortega, Acting Field Office Director, San Antonio Field Office, United States Immigration and Customs Enforcement; Kristi Noem, Secretary of Homeland Security; Pamela Bondi, United States Attorney General; Bobby Thompson, South Texas Detention Complex, Warden; Maria DeLeon, United States Immigration and Customs Enforcement, *in their official capacities,*

Respondents.

Civil Action No.: 5:25-cv-1229

**PETITION FOR WRIT OF HABEAS
CORPUS AND APA CLAIM**

EMERGENCY MOTION FOR IMMEDIATE

STAY OF REMOVAL

Petitioner, through undersigned counsel, respectfully moves this Court for an immediate stay of removal. In support, Petitioner states:

1. **Procedural Posture.** Petitioner has filed a Petition for Writ of Habeas Corpus and Emergency Motions for Temporary Restraining Order and Preliminary Injunction (ECF Nos. 5:25-cv-1229). Those filings remain pending before this Court.
2. **Imminent Harm.** Undersigned counsel has been informed that Immigration and Customs Enforcement (“ICE”) intends to effectuate Petitioner’s removal imminently — possibly within the next several hours, including during overnight hours.
3. **Jurisdictional Concerns.** If Petitioner is removed before this Court rules on the pending habeas and injunctive motions, the Court’s jurisdiction will be irreparably undermined, and Petitioner will suffer irreparable harm. See *Nken v. Holder*, 556 U.S. 418, 426 (2009) (stay factors in removal context); *Leiva-Perez v. Holder*, 640 F.3d 962, 965–66 (9th Cir. 2011).
4. **Stay Factors.** Petitioner satisfies the traditional stay factors:
 - **Likelihood of success on the merits:** Petitioner has raised substantial

constitutional and statutory claims.

- **Irreparable harm:** Deportation will moot the habeas petition and deprive this Court of jurisdiction.
- **Balance of equities:** Temporary delay in removal imposes minimal burden on the government compared to the catastrophic harm to Petitioner.
- **Public interest:** Preserving judicial review and preventing unlawful removal serve the public interest.

5. **Relief Requested.** Petitioner respectfully requests that the Court:

- (a) issue an immediate stay of removal pending resolution of Petitioner's habeas petition and TRO/PI motions; and
- (b) direct Respondents to notify this Court and Petitioner's counsel in advance of any future efforts to effectuate removal.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court GRANT an immediate stay of removal. Given the urgency, Petitioner further requests expedited consideration and, if necessary, after-hours judicial intervention.

Dated: 10/02/35

Respectfully submitted,

/s/ Alicia Perez

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ATTORNEYS FOR PLAINTIFF

Certificate of Service

I, Alicia Perez, hereby certify that the foregoing Emergency Stay of Removal has been filed for service on all parties by the ECF System on October 2, 2025.

/s/ Alicia Perez

Alicia Perez

Attorney for Petitioner

Certificate of Conference

I, Alicia Perez, attempted to contact the AUSAs on this case and received no response via email or phone and due to the exigent demands of the situation had to file this motion without further attempt.

/s/ Alicia Perez

Alicia Perez

Attorney for Petitioner