IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JAIME SOLAYA CLAVERO

Petitioner,

v.

JACOB WELSH, *et al*,,

Respondents.

Case No. 25-cv-3278-JWL

JOINT RESPONSE TO ORDER TO SHOW CAUSE

The parties, through their respective undersigned attorneys, respectfully submit this Response to the Court's Order to Show Cause (Dkt. 10).

On February 6, 2026, an immigration judge ordered Mr. Solaya removed to Cuba. However, on March 3, 2026, Mr. Solaya filed an appeal to the Board of Immigration Appeals, which has the effect of automatically staying the removal order pending appeal. 8 C.F.R. § 1003.6(a). Because of the automatic stay, the immigration judge's order does not constitute a final order of removal, and thus Mr. Solaya would remain eligible for bond under 8 U.S.C. § 1226(a) under this Court's ruling in *Galdamez Orellana v. Welsh*, 26-cv-3019-JWL (D. Kan. March 13, 2026).

The parties agree that the present matter before the Court is not moot because there is no final order of removal. *See* 8 U.S.C. § 1231(a)(1)(B)(i) (indicating that detention authority shifts to § 1231(a) once "the order of removal becomes administratively final"). During the appeal period, under this Court's ruling in *Galdamez Orellana*, Mr. Solaya would continue to be detained

under § 1226(a), and would also continue to be detained under that statute if the BIA remands the case to the IJ for further proceedings.[1]

Respectfully submitted,

/s/ James D. Jenkins
James D. Jenkins (KSD #78125)
P.O. Box 6373
Richmond, VA 23230
(804) 873-8528
jjenkins@valancourtbooks.com

/s/ *Vivianna Tijerino**
Vivianna Inez Tijerino, Esq.
Florida Bar No. 1058346
Garcia & Qayum Law Group, P.A.
3475 West Flagler Street
Miami, FL 33135
(305) 230-4020 Tel
(954) 203-7149 Cell
(305) 503-7370 Fax
Vivianna@GQLawGroup.com
* *Admitted Pro Hac Vice*

Counsel for Petitioner

RYAN A. KRIEGSHAUSER
United States Attorney
District of Kansas

/s/ Brian E. Vanorsby
Brian E. Vanorsby, KS #27606
Assistant United States Attorney
United States Attorney's Office
District of Kansas
1200 Epic Center
301 N. Main | Wichita, Kansas 67202
Office: 316.269.6103
Fax: 316.269.6484
brian.vanorsby@usdoj.gov

Attorneys for Defendant

[1] Respondents acknowledge this Court's ruling in *Galdamez Orellana* but, for preservation purposes, maintains its position that Petitioner is properly subject to mandatory detention under § 1225 for the reasons stated in their Response (Doc. 6).