

United States District Court
Western District of Texas
El Paso Division

Ashraf Bazzar,
Petitioner,

v.

Pam Bondi, Attorney General, *et al*,
Respondents.

No. 3:26-CV-00019-DB

Federal Respondents' Motion to Remove the Stay of Removal

Federal¹ Respondents move this Court to remove, lift, or vacate his Order granting a stay of removal [ECF No. 6 at 2]. The Court entered this Order to preserve the status quo and to preserve the ability to assess the case on the merits. *Id.* This stay should be lifted.

First, this Court is divested of subject matter jurisdiction to issue the stay of removal. In 8 U.S.C. § 1252(g), this Court shall not have jurisdiction to hear any cause or claim arising from the decision or action of the Attorney General to “execute” removal orders against an alien. *See also Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). The Fifth Circuit recently, in an unpublished opinion, found that the District Court lacked jurisdiction to grant a stay of removal to preserve the status quo as the stay of removal is a challenge to the removal order. *Imran v. Harper*, No. 25-30370 *2–3 (5th Cir. 2026) (collecting cases).

Second, removing the stay and allowing ICE to execute the removal order will address the salient issue of the petition, whether removal is likely to occur in the reasonably foreseeable future. *See generally* ECF No. 3 at 5. As the ERO declaration shows, the United States Government has expended significant efforts to coordinate removals of Palestinians, importantly efforts to remove

¹ The Department of Justice does not represent the Warden.

this Petitioner, through Israel with the coordination of the Israeli government. *See* ECF No. 10-1 at 3-4. While the stay of removal remains in effect, ICE is unable to remove Petitioner and Petitioner's detention continues.

Federal Respondents respectfully request this Court lift or vacate his stay of removal.

Respectfully submitted,

Justin R. Simmons
United States Attorney

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Attorneys for Federal Respondents

CERTIFICATE OF SERVICE

On or about January 22, 2026, I directed a copy of this filing be mailed to Petitioner at the below address:

Ashraf Bazzar
A 
El Paso Service Processing Center
8915 Montana Avenue
El Paso, TX 79925

/s/ Anne Marie Cordova
AUSA Anne Marie Cordova

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Pamela Bondi, Attorney General, *et al*,
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No. 3:26-CV-0019-DB

Order

The Court has considered Federal Respondents' Motion to Remove the Stay of Removal and finds it to be meritorious. The motion is accordingly **GRANTED**.

The Court's prior order issuing a stay of removal and prohibiting ICE from removing Petitioner, Ashraf Bazzar, is hereby vacated.

IT IS SO ORDERED.

Signed and entered this _____ day of _____, 2026.

The Honorable David Briones
Senior United States District Judge

Print Summary

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