

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JAN 14 2026

Emergency

Yudelka Mejia Lanfranco
Petitioner, Next Friend

MITCHELL R. ELFERS
CLERK

EMERGENCY MOTION TO STAY CREDIBLE FEAR INTERVIEW

AND EXPEDITED REMOVAL ACTIONS

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

YUDELKA MEJIA LANFRANCO,
Petitioner, as Next Friend of
YASHAEL ALMONTE MEJIA,

v.

TAYLOR SCOTT, et al.,
Respondents.

EMERGENCY MOTION TO STAY CREDIBLE FEAR INTERVIEW

AND EXPEDITED REMOVAL PENDING HABEAS REVIEW

Petitioner respectfully moves this Court for an **emergency stay** of any **credible fear interview**, **expedited removal action**, or **related proceedings** involving Mr. Almonte Mejia while his **habeas corpus petition** is pending.

I. EMERGENCY RELIEF IS NECESSARY

ICE has informed Mr. Almonte Mejia that a **credible fear interview** will be conducted within **approximately two weeks** for the purpose of expediting his removal.

If this interview proceeds while he is detained and unrepresented:

- His due process rights will be irreparably violated
- He will be unable to meaningfully present his fear claim
- This Court's jurisdiction will be undermined

II. LEGAL STANDARD

Federal courts possess authority to **temporarily stay government action** to preserve jurisdiction and prevent irreparable harm.

See *Nken v. Holder*, 556 U.S. 418 (2009).

A stay is warranted where:

1. Serious legal questions are raised
2. Irreparable harm is likely
3. The balance of hardships favors the movant
4. The public interest supports relief

III. ARGUMENT

A. Conducting a Credible Fear Interview Without Counsel Is Fundamentally Unfair

Credible fear proceedings often determine whether an asylum seeker will be summarily removed. Detention prevents access to counsel and preparation, violating due process and INA § 292.

B. DHS's Prior Procedural Failures Require a Stay

DHS:

- Failed to conduct a credible fear interview at entry
- Released Mr. Almonte Mejia under § 236
- Re-detained him months later
- Now seeks to accelerate removal

Proceeding now compounds earlier violations and denies fundamental fairness.

C. A Stay Is Necessary to Preserve This Court's Jurisdiction

If removal-related actions proceed, this Court's ability to grant effective habeas relief will be compromised. A temporary stay preserves judicial review.

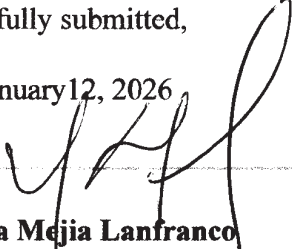
IV. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. **Stay any credible fear interview or expedited removal actions**
2. **Maintain the stay until Mr. Almonte Mejia has a reasonable opportunity to secure counsel**
3. **Grant any other relief the Court deems just**

Respectfully submitted,

Date: January 12, 2026


Yudelka Mejia Lanfranco
Petitioner, Next Friend