IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

G.B.T., *Petitioner*, v. JOHN RIFE, ET AL., *Respondents*.	Civil Action No. 2:26-cv-01842

RESPONDENTS' OPPOSITION TO MOTION TO STAY

DAVID METCALF
United States Attorney

GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

DANIELLA D. LEES
Special Assistant United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
daniella.lees@usdoj.gov

Dated: May 11, 2026

I. INTRODUCTION

Petitioner has filed a petition for writ of habeas corpus, challenging the reporting requirements imposed by Immigration and Customs Enforcement (ICE) following his release from custody. Since this time, Petitioner has also filed a Motion to Stay these reporting requirements under the Administrative Procedures Act (APA), 5 U.S.C. § 705. However, Petitioner has not met his burden to demonstrate a likelihood of success on the merits of his APA claim or any irreparable injury in the absence of a stay. Therefore, the Court should deny the motion.

II. LEGAL STANDARD

A motion to stay is governed by the same standard as a motion for preliminary injunction. *Conestoga Wood Specialties Corp. v. Sec'y of U.S. Dep't of Health & Human Servs.*, No. 13–1144, 2013 WL 1277419, at *1 (3d Cir. Feb 8, 2013). Under this framework, the Court must consider: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).

III. LEGAL ANALYSIS

The Court should deny the Motion because Petitioner has not met his burden to demonstrate a likelihood of success on the merits of his APA claim, which he

advanced within the same filing as his Petition for Writ of Habeas Corpus. In light of the fact that Petitioner's APA Complaint was filed in the same document as his habeas petition, Respondents asked for sixty days to file an Answer to the Complaint following resolution of the habeas petition by the Court, as Respondents believe Petitioner does not and will not have standing to assert this claim following resolution of the habeas petition. Moreover, as discussed in its Response, the conditions imposed by ICE following Petitioner's release from custody do not violate the regulations or, in turn, the APA or *Accardi* doctrine. To the contrary, the plain reading of the regulations permit ICE to impose conditions of release following an initial custody determination, with the opportunity for the noncitizen to then seek review of those conditions by an immigration judge within seven days. *See* 8 C.F.R. §§ 236.1(d)(1); 1236.1(d)(1).

The Court should further deny the motion because Petitioner has not shown that he will suffer irreparable harm absent a stay. Following his release from custody, Petitioner was enrolled in the Alternatives to Detention (ATD), Intensive Supervision Appearance Program (ISAP). ECF 1 ¶ 7, Ex. 5. Under the terms of his specific program, Petitioner must report in-person once every six months and check-in through the Compliance Assistance Reporting Terminal (CART)— a kiosk that allows for automated rather than in-person check-ins with an ICE officer. ECF 13, Ex. C. There are no other conditions or restrictions imposed on Petitioner by virtue of his CART enrollment. *Id.* Thus, Petitioner has not met his burden to demonstrate irreparable injury absent a stay, as the terms of Petitioner's CART enrollment do

not require him to report via CART, or do anything else for that matter, for another four months—well after the conclusion of the instant proceedings.

The balance of equities and public interest also weigh against granting a stay. It is well settled that the public and governmental interest in enforcement of the United States' immigration laws is extremely significant. *See, e.g.*, *United States v. Martinez-Fuerte*, 428 U.S. 543, 551-58 (1976); *Blackie's House of Beef v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir. 1981) ("The Supreme Court has recognized that the public interest in enforcement of the immigration laws is significant.") (citing cases); *Landon v. Plasencia*, 459 U.S. 21, 34 (1982) ("[I]t must weigh heavily in the balance that control over matters of immigration is a sovereign prerogative, largely within the control of the executive and the legislature."). Part of enforcing immigration laws is ensuring that individuals report to their removal proceedings as scheduled. By enrolling Petitioner in CART during the pendency of his removal proceedings, which, as discussed in the Response, could last for years, ICE is simply seeking to ensure that it has up-to-date information on Petitioner, a noncitizen in removal proceedings, while his case progresses through the immigration court system. Thus, ICE's interest in performing basic law enforcement functions as consistent with 8 U.S.C. § 1226(a) weighs against a stay in this case.

IV. CONCLUSION

For all the foregoing reasons, Respondents respectfully request that the Court deny the Motion to Stay.

Respectfully submitted,

DAVID METCALF
United States Attorney

/s/ Susan R. Becker for GBD
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

/s/ Daniella D. Lees
Daniella D. Lees
Special Assistant United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
(215) 861-8515
daniella.lees@usdoj.gob
Counsel for Respondents

Dated: May 11, 2026

CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing Opposition to Motion to Stay via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: May 11, 2026

/s/ Daniella D. Lees
DANIELLA D. LEES
Assistant United States Attorney