FILED IN THE U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
2026 JUN 17 PM 2:37

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

HARRY JOSÉ LACAYO AGUIRRE, Petitioner,

v.

WARDEN, STEWART DETENTION CENTER, et al., Respondents.

EMERGENCY MOTION FOR STAY OF REMOVAL

INTRODUCTION

Petitioner respectfully requests an immediate Stay of Removal pending final adjudication of the Petition for Writ of Habeas Corpus and all related proceedings before this Honorable Court.

Absent emergency relief, Petitioner faces imminent risk of deportation, transfer to a third country, or removal from the territorial jurisdiction of the United States before meaningful judicial review may occur. Such removal would create immediate and irreparable constitutional injury and would substantially interfere with this Court's jurisdiction and ability to provide effective relief.

FACTUAL BACKGROUND

Petitioner Harry José Lacayo Aguirre is a native and citizen of Nicaragua currently detained at Stewart Detention Center in Lumpkin, Georgia.

Petitioner entered the United States on March 22, 2022 and remained present within the country while attempting to comply with immigration supervision requirements. On May 5, 2026, Petitioner was detained while voluntarily appearing at a routine immigration appointment.

Petitioner alleges unconstitutional detention conditions, including severe rationing of food and water, denial of medical treatment, overcrowding, unsanitary confinement conditions, verbal abuse, anxiety, depression, emotional deterioration, and fear of retaliatory actions resulting from pursuit of federal judicial relief.

Petitioner further fears deportation or transfer to a third country without meaningful notice or opportunity to obtain judicial protection.

LEGAL STANDARD

Federal courts possess broad equitable authority to issue stays of removal where necessary to preserve jurisdiction, prevent irreparable harm, and protect constitutional rights during pending habeas proceedings.

A stay of removal is appropriate where the moving party demonstrates likelihood of success on the merits, irreparable injury absent relief, favorable balance of equities, and consistency with the public interest.

The Supreme Court has repeatedly emphasized the historic importance of habeas corpus protections and meaningful judicial review in immigration detention proceedings. See Boumediene v. Bush, 553 U.S. 723 (2008); INS v. St. Cyr, 533 U.S. 289 (2001); Zadvydas v. Davis, 533 U.S. 678 (2001).

ARGUMENT

Petitioner faces extraordinary and irreparable harm absent immediate intervention by this Court. Deportation prior to completion of federal judicial review would effectively undermine Petitioner's ability to obtain meaningful habeas relief and would potentially render portions of these proceedings moot.

Removal to Nicaragua or transfer to any third country may expose Petitioner to severe hardship, family separation, emotional devastation, and deprivation of constitutional protections available through pending judicial review.

Petitioner additionally fears retaliatory transfer intended to interfere with access to courts and preservation of this Court's jurisdiction. Federal courts possess inherent authority to preserve the integrity of pending proceedings and prevent actions designed to frustrate judicial review.

Petitioner's continued presence within the jurisdiction is necessary to ensure effective participation in the proceedings, communication with the Court, and preservation of meaningful constitutional review.

The balance of equities strongly favors issuance of a stay. Petitioner has no serious criminal history, does not present a danger to the community, and maintains substantial family and community ties within the United States.

The public interest is always served through preservation of constitutional rights, orderly judicial review, and prevention of irreparable constitutional injury.

REENTRY CLAUSE

In the event Respondents remove or deport Petitioner while these proceedings remain pending, Petitioner respectfully requests that this Court order Respondents to immediately facilitate and finance Petitioner's return to the United States so that judicial review may remain meaningful and effective.

Without such protection, Respondents could effectively defeat the jurisdiction of this Court through unilateral removal before adjudication of the constitutional claims presented herein.

Federal courts retain equitable authority to order corrective measures necessary to preserve effective judicial review and remedy unconstitutional governmental conduct.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court

1. ISSUE an immediate Stay of Removal pending adjudication of the Petition for Writ of Habeas Corpus;

2. ENJOIN Respondents from deporting or removing Petitioner from the United States while these proceedings remain pending;

3. ENJOIN Respondents from transferring Petitioner to any third country absent prior authorization from this Court;

4. ORDER that, if Petitioner is removed during pendency of these proceedings, Respondents shall immediately facilitate and finance Petitioner's return to the United States to preserve meaningful judicial review;

5. PROHIBIT retaliatory transfer outside the jurisdiction of this Court;

6. GRANT any additional relief deemed just and proper.

Respectfully submitted,

Harry Lacayo

Harry Jose Lacayo Aguirre
A# [redacted]
Pro Se Petitioner
Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815