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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

EMERGENCY MOTION FOR STAY OF REMOVAL

INTRODUCTION

COMES NOW Petitioner, YEAN MARCOS SOTO LUGO, proceeding Pro Se, and respectfully requests that this Honorable Court immediately stay his removal, deportation, transfer to any third country, or any action intended to execute removal proceedings while the pending Petition for Writ of Habeas Corpus remains under judicial review.

Petitioner respectfully asserts that immediate injunctive relief is necessary to preserve the Court's jurisdiction, prevent irreparable constitutional harm, and ensure meaningful judicial review of the serious constitutional claims raised within the pending habeas corpus proceedings.

STATEMENT OF FACTS

Petitioner is presently detained at Stewart Detention Center in Lumpkin, Georgia following his arrest during a routine ICE reporting appointment despite his ongoing compliance with immigration proceedings and his pending asylum case.

Petitioner fears sudden deportation, retaliatory transfer, or removal to a third country without adequate notice or opportunity for judicial intervention. Petitioner additionally fears retaliatory governmental actions designed to frustrate this Court's jurisdiction over the pending habeas matter.

Petitioner reports severe unconstitutional detention conditions including spoiled food, food rationing, denial of adequate medical care, emotional trauma, substantial weight loss, anxiety, depression, and verbal abuse involving racial and xenophobic remarks.

Absent immediate judicial intervention, Petitioner faces devastating and irreversible consequences, including permanent separation from his community ties, interruption of asylum proceedings, exposure to danger upon removal, and destruction of meaningful access to habeas review.

LEGAL ARGUMENT

Federal courts maintain broad authority to issue stays of removal and injunctive relief necessary to preserve jurisdiction and prevent irreparable constitutional harm pending adjudication of habeas corpus proceedings.

The Supreme Court has consistently recognized that habeas corpus protections must remain meaningful and effective. See Boumediene v. Bush, 553 U.S. 723 (2008). Courts likewise possess equitable authority to preserve the status quo and prevent governmental actions that would render judicial review meaningless.

Petitioner respectfully submits that all factors favor granting a stay of removal:

1. Petitioner presents substantial constitutional claims involving unlawful detention, denial of due process, punitive detention conditions, and retaliatory governmental conduct;

2. Petitioner faces immediate and irreparable harm absent relief, including possible deportation before adjudication of his claims;

3. The balance of equities overwhelmingly favors preserving Petitioner's constitutional rights and maintaining judicial review;

4. The public interest strongly supports preservation of constitutional safeguards, meaningful court access, and prevention of arbitrary governmental conduct.

Once removed, meaningful habeas review may become impossible or severely impaired. Courts have repeatedly recognized that deportation during pending proceedings can constitute irreparable harm warranting emergency relief.

REQUEST FOR REENTRY CLAUSE

Petitioner respectfully requests that this Court include an express reentry provision within any order entered herein.

Specifically, in the event Respondents deport, remove, or transfer Petitioner outside the United States while this matter remains pending, Petitioner respectfully requests that Respondents be ordered to facilitate and pay for Petitioner's immediate return to the United States for continued participation in these proceedings and any related immigration matters.

Such relief is necessary to preserve the integrity of judicial review and prevent the Government from mooting constitutional claims through unilateral removal actions.

CONCLUSION

WHEREFORE, Petitioner respectfully requests that this Court:

1. GRANT this Emergency Motion for Stay of Removal;
2. ENJOIN Respondents from deporting, removing, or transferring Petitioner to any country pending final adjudication of the habeas proceedings;
3. Preserve this Court's jurisdiction over Petitioner and these proceedings;
4. ORDER that, if Petitioner is removed while this matter remains pending, Respondents shall immediately facilitate and fund Petitioner's return to the United States;
5. Grant any additional relief deemed equitable and proper.

Respectfully submitted,



YEAN MARCOS SOTO LUGO
Pro Se Petitioner
A# [redacted]