IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF GEORGIA

COLUMBUS DIVISION

ALEX EDUARDO UMAÑA MEJÍA,
A# [redacted],

Petitioner,

v.

STEPHEN SCHRANK, Warden, Stewart Detention Center;

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement;

KRISTI NOEM, Secretary, U.S. Department of Homeland Security;

PAMELA BONDI, Attorney General of the United States,

Respondents.

Civil Action No. 26-1056

(Habeas Corpus, 28 U.S.C. § 2241)

EMERGENCY MOTION FOR STAY OF REMOVAL AND ORDER PRESERVING THE STATUS QUO PENDING ADJUDICATION OF THE PETITION FOR WRIT OF HABEAS CORPUS, AND MEMORANDUM OF LAW

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA, COLUMBUS DIVISION:

COMES NOW, Petitioner Alex Eduardo Umaña Mejia ("Petitioner"), proceeding pro se, and respectfully moves this Honorable Court, pursuant to 28 U.S.C. § 2241, Federal Rule of Civil Procedure 65, and this Court's inherent equitable authority to preserve its own jurisdiction, for an

Order staying and enjoining Petitioner's removal from the United States, and preserving the status quo, pending final adjudication of Petitioner's Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (the "Petition"). In support of this Motion, Petitioner states as follows.

I. RELIEF REQUESTED

1. Petitioner respectfully requests that this Court issue an Order:

I. Staying and enjoining the removal of Petitioner from the United States pending final adjudication of the Petition;

II. Enjoining Respondents from transferring or causing the transfer of Petitioner to the custody of any third country pending final adjudication of the Petition;

III. Directing that, in the event a Notice to Appear or any other charging document is issued, or removal proceedings are commenced or continued against Petitioner during the pendency of this action, Respondents shall provide Petitioner and this Court no less than seventy-two (72) hours' advance written notice prior to the execution of any order of removal; and

IV. Granting such other and further relief as this Court deems just and proper to preserve the status quo and this Court's jurisdiction over the Petition pending its final resolution.

II. JURISDICTIONAL STATEMENT AND SCOPE OF THE REQUESTED RELIEF

2. Petitioner respectfully and candidly brings to this Court's attention the jurisdictional framework governing requests of this kind, so that the relief sought herein is properly understood and properly limited to that which this Court has authority to grant.

3. Under the REAL ID Act of 2005 and 8 U.S.C. § 1252(a)(5) and (b)(9), judicial review of a final order of removal — including any request to stay the execution of such a final order — lies exclusively with the appropriate United States Court of Appeals by way of a petition for review, and not with this district court sitting in habeas under 28 U.S.C. § 2241. Petitioner does not, by this Motion, ask this Court to review, stay, or otherwise adjudicate the validity of any final administrative order of removal, and Petitioner is not, as of the filing of this Motion, aware of any final order of removal having been entered against him.

4. This Motion instead seeks the narrower and distinct relief of an order preserving the status quo — that is, preventing Petitioner's physical removal from the United States or transfer

to third-country custody — while this Court exercises jurisdiction it indisputably possesses under 28 U.S.C. § 2241 to determine the lawfulness of Petitioner's present civil detention, as set forth in the Petition. Federal courts have long recognized their inherent authority and responsibility to take such measures as are necessary to preserve their jurisdiction over a matter properly before them, including by preventing a party from taking unilateral action that would functionally moot or extinguish the court's ability to grant effective relief on claims it otherwise has full authority to decide.

5. Should removal proceedings be initiated against Petitioner during the pendency of this action, and should a final order of removal ultimately be entered, Petitioner acknowledges that any challenge to the validity of that order, and any request to stay its execution pending review, would properly be directed to the appropriate United States Court of Appeals pursuant to 8 U.S.C. § 1252, and not to this Court. Nothing in this Motion should be construed as an attempt to circumvent that statutory scheme. Petitioner seeks only to ensure that, while his properly and currently pending § 2241 claims regarding the lawfulness of his ongoing civil detention are adjudicated by this Court, he is not physically removed from the United States in a manner that would deprive this Court of the practical ability to grant the relief the Petition seeks.

III. FACTUAL BASIS FOR THE MOTION

6. As set forth in detail in the Petition, which is incorporated herein by reference in its entirety, Petitioner is a native and citizen of Guatemala who has resided in the United States continuously since August 6, 2018, and who is currently held in the civil immigration custody of Respondents at the Stewart Detention Center in Lumpkin, Georgia.

7. Petitioner reasonably and in good faith fears that he may be removed from the United States, or transferred to the custody of a third country, before this Court has the opportunity to adjudicate the merits of the Petition. This fear is not speculative; it arises directly from the documented, irregular manner in which Petitioner was transferred from state to federal custody, including an express assurance that he would be released if Immigration and Customs Enforcement did not assume custody within forty-eight hours, the passage of that

window without his release, a subsequent representation that he was free to leave, and the abrupt reversal of that representation upon ICE's arrival to take him into custody.

8. Given this history of irregular and reversed representations regarding Petitioner's custody status, Petitioner has a concrete and reasonable basis to fear that further unilateral action — including removal or third-country transfer — could likewise occur abruptly and without meaningful notice, before this Court has had any opportunity to rule on the Petition.

IV. LEGAL STANDARD

9. A district court possesses inherent equitable authority, independent of the merits of any particular claim, to issue orders reasonably necessary to preserve the status quo and protect its own jurisdiction over a matter properly pending before it. This authority is particularly well established in the habeas context, where courts have long recognized that the removal of a habeas petitioner from the United States during the pendency of habeas proceedings can functionally moot or irreparably impair the petitioner's ability to obtain meaningful relief, even where the petitioner's underlying detention claims remain meritorious and properly before the court.

10. The same four-factor standard applicable to requests for preliminary injunctive relief governs this Motion: (i) likelihood of success on the merits of the underlying habeas claims; (ii) likelihood of irreparable harm absent the requested relief; (iii) the balance of equities; and (iv) the public interest. Each factor is addressed below.

V. ARGUMENT

A. Petitioner Has Demonstrated a Likelihood of Success on the Merits of the Petition

11. As more fully set forth in the Petition, Petitioner has presented substantial, well-supported claims that his continued civil immigration detention, without any individualized bond hearing, violates the Due Process Clause of the Fifth Amendment, that neither recognized governmental interest underlying civil immigration detention is served by his continued

confinement, and that the conditions of his confinement independently violate due process. Petitioner respectfully refers this Court to the Petition, incorporated herein by reference, for the full statement of these claims and the legal authority supporting them, including Zadvydas v. Davis, 533 U.S. 678 (2001), and Jennings v. Rodriguez, 583 U.S. 281 (2018).

B. Petitioner Will Suffer Immediate and Irreparable Harm Absent the Requested Relief

12. Removal from the United States, or transfer to a third country, during the pendency of this habeas action would inflict harm of a uniquely irreparable character. Once physically removed from the territorial United States, Petitioner would be placed beyond the practical reach of this Court's remedial authority, and any subsequent ruling by this Court on the merits of the Petition, however favorable, could not undo the fact of his removal or restore him to the position he occupied before that removal occurred. This is precisely the type of harm that justifies emergency equitable intervention notwithstanding the absence of a final order of removal: the harm Petitioner seeks to avert is not the validity of any removal order, but the practical destruction of this Court's ability to decide the properly pending Petition at all.

13. This risk is not abstract. As detailed in the Petition and above, Petitioner has already experienced an irregular, multi-step transfer between custodial authorities accompanied by broken assurances regarding the timing and circumstances of his custody. This history provides a concrete, good-faith basis for Petitioner's fear that further custodial action, including removal, could likewise be taken abruptly and without adequate notice to Petitioner or to this Court.

C. The Balance of Equities Favors Petitioner

14. The relief Petitioner seeks is modest and narrowly tailored: it does not ask this Court to adjudicate the merits of any removal order, does not ask this Court to grant Petitioner any immigration benefit or status, and does not impose any substantial administrative burden on Respondents. It asks only that the status quo be preserved — that Petitioner remain within the United States and within reach of this Court's jurisdiction — while the Petition,

which is unquestionably and properly before this Court, is adjudicated in the ordinary course.

15. By contrast, the harm to Petitioner from the denial of this Motion, should removal or third-country transfer occur during the pendency of these proceedings, would be total, immediate, and irreversible. Where the burden on the responding party is minimal and the potential harm to the moving party is total and irreversible, the balance of equities weighs decisively in favor of the relief requested.

D. The Public Interest Favors Preservation of This Court's Jurisdiction Over the Petition

16. The public interest is served by ensuring that a properly filed petition for writ of habeas corpus retains practical meaning, and is not rendered moot by executive action taken before the petition can be heard. An order narrowly preserving the status quo, without in any way adjudicating or interfering with the separate statutory scheme governing review of final removal orders under 8 U.S.C. § 1252, serves the public interest in the orderly and meaningful exercise of federal habeas jurisdiction over the civil detention claims squarely and properly presented in the Petition.

VI. RELATIONSHIP TO OTHER PENDING MOTIONS

17. Petitioner notes that this Motion is filed in conjunction with, and is intended to operate alongside, Petitioner's previously filed Emergency Motion for a Temporary Restraining Order, which separately requests an order enjoining Respondents from transferring Petitioner outside this Court's territorial jurisdiction without notice. The relief requested in this Motion is complementary to, and not duplicative of, that prior request: this Motion focuses specifically on the risk of removal from the United States or transfer to third-country custody, while the prior motion addresses the risk of intra-United States transfer to a facility outside this district. Petitioner respectfully requests that, to the extent the Court has already granted relief addressing removal or third-country transfer in connection with the prior motion, the Court treat this Motion as confirming and reinforcing that relief; and

to the extent such relief has not yet been granted, Petitioner respectfully renews and restates that request here.

VII. CONCLUSION

18. For the foregoing reasons, and for the reasons set forth in the concurrently filed Petition for Writ of Habeas Corpus and other accompanying emergency motions, each incorporated herein by reference, Petitioner respectfully requests that this Court grant this Motion and issue an Order, in the form of the Proposed Order submitted herewith, staying and enjoining Petitioner's removal from the United States and any transfer to third-country custody, and directing advance notice of any removal-related action, pending final adjudication of the Petition.

VERIFICATION

I, Alex Eduardo Umaña Mejía, Petitioner in the above-captioned action, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Emergency Motion for Stay of Removal, that I am familiar with its contents, and that the factual statements contained therein, including those incorporated by reference from the Petition for Writ of Habeas Corpus filed concurrently herewith, are true and correct to the best of my own personal knowledge, information, and belief. I further declare that, as of the date of this filing, I am not aware of any final order of removal having been entered against me, and that I bring this Motion to preserve the status quo during the pendency of this action, and not to challenge the validity of any such order.

I further declare that I am currently confined at the Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815, that I am proceeding in this matter without the assistance of retained counsel, and that I respectfully request that this Honorable Court construe this pro se Motion liberally, consistent with the principle that filings submitted by unrepresented litigants are held to less stringent standards than formal pleadings drafted by attorneys.

Executed this _____ day of _____, 2026, at Lumpkin, Georgia.

Alex Umana Mejía

Alex Eduardo Umaña Mejía
Petitioner, Pro Se
A-Number: [redacted]
Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815
Date: 7/6/26

CERTIFICATE OF SERVICE

I, Alex Eduardo Umaña Mejía, Petitioner, Pro Se, hereby certify that, to the best of my ability under the constraints of my current civil immigration detention, a true and correct copy of the foregoing Emergency Motion for Stay of Removal, together with the accompanying Proposed Order, has been or will be served by United States Mail, postage prepaid, or by such other means as may be available to me as a detained, unrepresented litigant, upon the following:

United States Attorney for the Middle District of Georgia

Office of the United States Attorney

P.O. Box 1702

Macon, Georgia 31202

Office of the Field Office Director

U.S. Immigration and Customs Enforcement

Atlanta Field Office

180 Ted Turner Drive SW

Atlanta, Georgia 30303

Office of the General Counsel

U.S. Department of Homeland Security

Washington, D.C. 20528

Office of the Attorney General

U.S. Department of Justice

950 Pennsylvania Avenue NW

Washington, D.C. 20530

Warden, Stewart Detention Center

146 CCA Road

Lumpkin, Georgia 31815

Alex Umana Mejía

Alex Eduardo Umaña Mejía
Petitioner, Pro Se

A-Number: [redacted]
Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815
Date: _____