UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

EPIFANIO S-V Petitioner v. **DAVID EASTERWOOD**, et al.; Respondents	Civil Case No 0:26-cv-03481-MJD-LIB U.S. District Court Judge: Hon. Michael J. Davis U.S. Magistrate Judge: Hon. Leo I. Brisbois

UNOPPOSED

PETITIONER'S MOTION TO HOLD PROCEEDINGS IN ABEYANCE

NOW COMES Petitioner Epifanio Sosa Vargas, by and through undersigned counsel, respectfully moves this Court for an Order holding all proceedings in this habeas corpus action in abeyance pending administrative action by the Department of Homeland Security (DHS).

Petitioner notes that this motion is submitted four days past the deadline for Petitioner's reply, such delay is due to ongoing illness that Petitioner's counsel is being treated for, as well as delays from USCIS to issue a receipt in able time.

Under Fed. R. Civ. P. 6(b)(1)(B), this Honorable Court may extend time on a motion made after the time has expired if the party failed to act because of excusable neglect. Because this delay was minimal, caused no prejudice, and Respondents assent to the abeyance, Petitioner respectfully requests that the Court accept this motion as timely filed or grant retroactive leave for its filing.

In support of this Unopposed Motion, Petitioner states as follows:

1. PROCEDURAL BACKGROUND

On July 31st, 2026, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 challenging his unlawful detention and warrantless arrest by U.S. Immigration and Customs Enforcement (ICE), and seeking immediate release or a constitutionally compliant bond hearing.

2. PENDING ADMINISTRATIVE ACTIONS

Abeyance is appropriate and necessary to conserve judicial resources, as two critical administrative requests directly impacting Petitioner's immigration status and custody remain pending before DHS:

- *Stay of Removal Application*: Petitioner submitted an Application for Stay of Removal (Form I-246) to the ICE St. Paul Field Office, which remains pending administrative review.
- *U-Visa Receipt Notice*: Petitioner has submitted a Petition for U-Nonimmigrant Status (Form I-918) to U.S. Citizenship and Immigration Services (USCIS), supported by a Law Enforcement Certification from the Hennepin County Attorney's Office (certified July 17, 2026), and is currently awaiting the issuance of the official Form I-797 Receipt Notice.

3. GROUNDS FOR ABEYANCE & JUDICIAL ECONOMY:

Resolution of the pending stay of removal before the St. Paul Field Office or the formal receipt and of the U-Visa application by USCIS, including Petitioner's protected status as a class member under *I.C.W.C. v. Noem*, No. 2:25-cv-09848-AB-AS (C.D. Cal. May 20, 2026), may resolve, narrow, or alter the relief sought in this habeas action. Holding this matter in abeyance

will avoid unnecessary briefing, prevent duplicate administrative and judicial efforts, and preserve the resources of both the Court and the parties.

- *Consent of Respondents*: Undersigned counsel conferred with counsel for Respondents, Assistant United States Attorney Pedro Del Valle, IV, who confirmed that Respondents do not oppose holding these proceedings in abeyance.
- *Proposed Reporting*: Petitioner proposes that the parties file a *Joint Status Report* with the Court within 30-days of entry of this Order, or within 14 days of receiving notice of a decision on the Stay of Removal from the ICE St. Paul Field Office or receiving the Form I-797 Receipt Notice from USCIS, whichever occurs first.

WHEREFORE, Petitioner respectfully requests that this Court:

1. **GRANT** this Unopposed Motion to Hold Proceedings in Abeyance;
2. **HOLD** all proceedings, deadlines, and hearings in this matter in abeyance pending administrative resolution by DHS; and
3. **DIRECT** the parties to file a Joint Status Report within 30-days of the entry of this Order, or within 14 days of a material administrative action, whichever is earlier.

Respectfully submitted,

/s/ Stephen A. Pegnam
Stephen A. Pegnan, Esq.
Law Offices of Stephen A. Lagana
145 Essex Street
Lawrence, MA 01840
BBO-MA# 659290 (*Admitted PHV*)

Dated: July 31st, 2026

LOCAL RULE 7.1 CERTIFICATION

I, Stephen A. Pegnam, hereby certify that pursuant to L.R. 7.1(a)(1), I had conferred with Counsel for the Respondents who at this time, has assented to our proposed motion.

Dated: August 18, 2026 By: */s/ Stephen A. Pegnam*
Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: August 18, 2026 By: */s/ Stephen A. Pegnam*
Attorney