

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
Case No. 1:25-cv-21478-JB

Franklin Jose JIMENEZ BRACHO,

Petitioner,

v.

Mike MEADE, et al.

Respondents.

**PETITIONER'S UNOPPOSED MOTION TO HOLD IN ABEYANCE PENDING
RESOLUTION OF CLASS LITIGATION IN *W.M.M. v. Trump***

COMES NOW the Petitioner, Franklin Jose JIMENEZ BRACHO ("Mr. JIMENEZ BRACHO"), by and through his undersigned counsel, and submits this his Unopposed Motion to hold this matter in abeyance pending the Fifth Circuit Court of Appeals' decision in *W.M.M. v. Trump*. In support thereof, Mr. JIMENEZ BRACHO states as follows:

1. This matter involves a petition for writ of *habeas corpus* challenging Mr. JIMENEZ BRACHO's current immigration detention under the Alien Enemies Act (AEA), 50 U.S.C. §21, pursuant to Presidential Proclamation No. 10903, 90 Fed. Reg. 13033 (2025). The Proclamation states that all Venezuelan citizens age 14 or older who are members of the designated Foreign Terrorist Organization *Tren de Aragua* and not naturalized U.S. Citizens or Lawful Permanent Residents, are liable to be "apprehended, restrained, secured, and removed as Alien Enemies." *Id.*
2. Mr. JIMENEZ BRACHO is a native and citizen of Venezuela, and he was taken into federal immigration custody in March 2025. On 19 March 2025, immigration officials served him with a notice that he was being detained under the AEA, which he refused to

sign. A true and correct copy of this 19 March 2025 AEA Notice is attached hereto as Exhibit A.

3. Mr. JIMENEZ BRACHO was initially held in federal immigration custody at the Krome Service Processing Center (the “Krome SPC”) located in Miami, Florida, in this District.
4. On 15 April 2025, Mr. JIMENEZ BRACHO was transferred to the Bluebonnet Detention Facility in Anson, Texas, in the Northern District of Texas, where he was held from 15 April 2025 to 3 May 2025.
5. On 3 May 2025, Mr. JIMENEZ BRACHO was transferred back to the Krome SPC in this District, where he remains detained to this day.
6. On 16 May 2025, in *A.A.R.P. v. Trump*, No. 24A1007, 605 U.S. _____ (2025), the United States Supreme Court, acting *in certiorari*, enjoined the government from using the AEA to remove a putative class of Venezuelans detained in the Northern District of Texas, pending adjudication of what notice is due under the AEA. *Id.*, *remanded sub. nom. to W.M.M. v. Trump*, No. 25-10534 (5th Cir., argued June 30, 2025). A true and correct copy of Supreme Court’s 16 May 2025 injunction is attached hereto at Exhibit B.
7. The Supreme Court remanded the case to the U.S. Court of Appeals for the Fifth Circuit, which heard oral arguments on 30 June 2025. *See id.*
8. On 2 July 2025, Mr. JIMENEZ BRACHO was served with another AEA Notice, this version indicating that he had seven (7) days to challenge his detention in federal court via a *habeas* action. A true and correct copy of this 2 July 2025 AEA Notice is attached hereto as Exhibit C.
9. At the 7 July 2025 status conference held in these proceedings, this Court set a 15-day deadline for Mr. JIMENEZ BRACHO to submit an amended *habeas* petition. D.E. 17.

10. On 22 July 2025, however, the Government agreed that Mr. JIMENEZ BRACHO would not be removed from the United States pending the resolution of *W.M.M. v. Trump*.
11. Also on 22 July 2025, the undersigned discussed the contents of this motion with Assistant United States Attorney Natalie Diaz, who, upon conferral with the Department of Homeland Security, confirmed that her office would not object to the granting of same.
12. This Motion is submitted in good faith.
13. A proposed order is attached to this Motion at Exhibit D.

WHEREFORE, for the foregoing reasons, Mr. JIMENEZ BRACHO respectfully requests that this Honorable Court grant this Unopposed Motion and issue an order holding Mr. JIMENEZ BRACHO's petition for Writ of *Habeas Corpus* in abeyance, pending the Fifth Circuit Court of Appeals' resolution of the class action litigation in *W.M.M. v. Trump*.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 23rd day of July, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all parties of record.

/s/ Kristin Figueroa-Contreras

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