

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KLEIBER ALEXANDER ARIAS
GUDINO,

Petitioner,

v.

CRAIG LOWE, *in his official capacity as*
Warden, Pike County Correctional
Facility, *et al*

Respondents.

No.: 1:25-cv-571 (MK)

PETITIONER’S MOTION TO HOLD CASE IN ABEYANCE OR, IN THE
ALTERNATIVE, FOR AN EXTENSION OF TIME TO FILE REPLY

Petitioner respectfully moves the Court to hold this case in abeyance until the status of Temporary Protected Status (“TPS”) and the benefits associated with TPS-related documentation have been clarified in *Nat’l TPS All. v. Noem*, No. 25-cv-01766-EMC (N.D. Cal.). In the alternative, Petitioner respectfully moves this Court pursuant to Fed. R. Civ. Pro. 6(b) to grant him an extension of one month, until July 2, 2025, to reply to Respondents’ Response to his Petition for a Writ of Habeas Corpus due to intervening authority from the U.S. Supreme Court.

The Government does not concur with holding the matter in abeyance; however, the Government consents to Petitioner’s request for a one-month extension

to file his reply.

In support of his motion, Petitioner states as follows:

1. Kleiber Alexander Arias Gudino (“Petitioner” or “Mr. Arias Gudino”) is a Venezuelan national who has been properly granted Temporary Protected Status (“TPS”) under 8 U.S.C. § 1254a and was unlawfully detained in Respondents’ custody. On March 31, 2025, he filed a Petition for Writ of Habeas Corpus. ECF No. 1.
2. On April 2, 2025, Magistrate Judge Daryl F. Bloom issued an order to show cause scheduling Respondents’ Response on or before April 23, 2025, with Petitioner’s Reply due 14 days later. ECF No. 5.
3. On April 7, 2025, Petitioner filed a motion for a preliminary injunction and temporary restraining order. ECF Nos. 10, 13.
4. After briefing and oral argument, the Court issued an Order, on April 21, 2025, granting Petitioner’s motion for a preliminary injunction and ordering his immediate release and return to New York. ECF No. 29.
5. On April 22, 2025, Petitioner was released from Immigration and Customs Enforcement custody.
6. On April 24, 2025, the Court granted Respondents’ request to extend the deadline for their Response until May 7, 2025. ECF No. 31.
7. On May 7, 2025, Respondents filed their Response. ECF No. 32.

8. On May 9, 2025, the Court granted Petitioner's request to extend the deadline for his reply to Respondents' response until June 4, 2025. ECF No. 34. This was Petitioner's first request for an extension of time.

Intervening U.S. Supreme Court Authority

9. In a case filed in the U.S. District Court of the Northern District of California challenging the vacatur and termination of TPS for certain Venezuelans, the court granted the plaintiffs' motion to postpone DHS' actions relating to TPS vacatur and termination. *See Nat'l TPS All. v. Noem*, No. 25-cv-01766, 2025 WL 957677, at *47 (N.D. Cal. Mar. 31, 2025). The status of Petitioner's TPS is implicated by this litigation. ECF No. 1, Petition ¶¶ 27-30, 48-50.
10. On May 19, 2025, the U.S. Supreme Court granted the Government's application to stay the decision of the U.S. District Court of the Northern District of California. *See Noem v. Nat. TPS All.*, No. 24A1059, --- S.Ct. ---, 2025 WL 1427560, at *1 (U.S. May 19, 2025). The order was very brief and did not provide grounds for the Court's decision nor opine on the merits of the litigation. The Supreme Court also stated that the "order is without prejudice to any challenge to Secretary Noem's February 3, 2025 vacatur notice insofar as it purports to invalidate EADs, Forms I-797, Notices of Action, and Forms I-94 issued with October 2, 2026 expiration dates." *Id.*
11. After the May 19 Supreme Court decision, plaintiffs in *Nat'l TPS All. v. Noem*,

No. 25-cv-01766, filed a motion before the U.S. District Court of Northern California that seeks to preserve the status and rights of people who received TPS-related documents with October 2, 2026 expiration dates, like Petitioner here. This motion practice will ascertain the impact of the Supreme Court decision on TPS recipients like Mr. Arias Gudino.

12. The questions under consideration in *Nat'l TPS All.* bear directly on the status of Mr. Arias Gudino's TPS, and his TPS—and related benefits—are central to some of the claims brought in the instant Petition.¹ With the shifting landscape of TPS in light of *Noem v. Nat'l TPS All.*, No. 24A1059, 2025 WL 1427560 (U.S. May 19, 2025), the interests of judicial economy and of preserving the resources of the parties guide towards holding the instant habeas petition in abeyance.
13. Thus, we respectfully ask the Court to hold the instant habeas petition in abeyance until the status of TPS and the benefits associated with TPS-related documentation have been clarified.
14. In the alternative, Petitioner requests a one-month extension of time, until July 2, 2025, to file his reply brief in light of intervening Supreme Court authority

¹ Mr. Arias Gudino has filed his appeal of the withdrawal of his TPS before the USCIS's Administrative Appeals Unit pursuant to 8 C.F.R. § 244.14(b)(3). That appeal remains pending, and regulation unambiguously states that "Temporary Protected Status benefits will be extended during the pendency of an appeal." *Id.*

in *Noem v. Nat'l TPS All.*, No. 24A1059, 2025 WL 1427560 (U.S. May 19, 2025) and pending motion practice in *Nat'l TPS All. v. Noem*, No. 25-cv-01766-EMC (N.D. Cal.). The Government consents to this request for an extension of time.

15. Pursuant to M.D. Pa. L. R. 7.5, no brief is submitted in support of this Motion as the reasons supporting the relief requested are set forth herein.

WHEREFORE, Petitioner requests the Court hold this case in abeyance until the status of TPS and the benefits associated with TPS-related documentation have been clarified in *Nat'l TPS All. v. Noem*, No. 25-cv-01766-EMC (N.D. Cal.); or, in the alternative, requests this Court grant him an extension of one month, until July 2, 2025, to reply to Respondents' Response to his Petition.

Dated: May 29, 2025

Respectfully submitted,

/s/ Lucas Marquez

Lucas Marquez* (NY Bar No. 4784583)

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Counsel for Petitioner

**Appearing pro hac vice
pursuant to Local R. 83.2.1.*

CERTIFICATE OF CONCURRENCE

I, Lucas Marquez, have contacted counsel for the Respondents, Gerard Donahue, who does not concur to hold the case in abeyance, but does concur to Petitioner's request for a one-month extension to file his reply.

Dated: May 29, 2025

Respectfully submitted,

/s/ Lucas Marquez

Lucas Marquez (NY Bar No. 4784583)

CERTIFICATE OF SERVICE

I, Lucas Marquez, certify that I have served a copy of the attached motion on Respondents via ECF.

Dated: May 29, 2025

Respectfully submitted,

/s/ Lucas Marquez

Lucas Marquez (NY Bar No. 4784583)