

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RECEIVED

MAY 13 2025

AT 8:30 12:01 M
CLERK, U.S. DISTRICT COURT - DNJ

Eduardo H. Jimenez Perez,
Petitioner, Pro Se,

Civil Action

v.

No.: 2:25-cv-03000 (EP)

U.S. Department of Homeland Security, et al.,

Respondents.

**EMERGENCY MOTION FOR TEMPORARY STAY OF REMOVAL
PENDING FINAL DISPOSITION OF HABEAS CORPUS PETITION
UNDER 28 U.S.C. § 2241**

INTRODUCTION

Petitioner Eduardo H. Jimenez Perez respectfully requests that this Honorable Court issue an **Emergency Temporary Stay of Removal**, immediately suspending any immigration removal proceedings, specifically the Individual Hearing currently scheduled for **June 3, 2025**, pending the resolution of Petitioner's Habeas Corpus Petition under 28 U.S.C. § 2241 (Case No. 2:25-cv-03000).

STATEMENT OF EXTREME URGENCY AND IMMEDIATE IRREPARABLE HARM

Petitioner faces an Individual Immigration Hearing on June 3, 2025, before the Immigration Court (EOIR) in Newark, New Jersey, which could result in a final order of removal. This Federal Court has scheduled the review of Petitioner's Motion to Reopen his Habeas Corpus Petition for **June 2, 2025**, just one day prior. Without an immediate Temporary Stay of Removal, Petitioner faces a significant and imminent risk of irreversible constitutional harm, specifically, a final order of deportation without full and fair adjudication of his fundamental constitutional claims presented in this pending Habeas Corpus petition.

The urgency and immediacy of the potential irreparable harm necessitate immediate action from this Court to safeguard Petitioner's constitutional rights and procedural fairness.

LEGAL BASIS AND AUTHORITY FOR EMERGENCY RELIEF

Federal courts are vested with inherent authority to grant emergency stays of removal to ensure that constitutional rights and due process protections are preserved, particularly when significant constitutional claims are actively pending federal judicial review. See **Nken v. Holder**, 556 U.S. 418, 426 (2009) (confirming federal courts' authority to issue stays pending review to prevent irreparable harm); **Lee v. Mukasey**, 527 F.3d 1103, 1105 (10th Cir. 2008) ("Temporary stays of removal are warranted when removal would result in irreparable harm."); **Devitri v. Cronen**, 289 F. Supp. 3d 287, 292 (D. Mass. 2018) (holding temporary stays appropriate pending constitutional claims' adjudication).

Additionally, the Third Circuit strongly prefers resolution of cases on their merits and has emphasized repeatedly that administrative dismissal or denial of constitutional claims without substantive consideration is fundamentally unfair. See **Poulis v. State Farm Fire & Cas. Co.**, 747 F.2d 863, 868 (3d Cir. 1984); **Max's Seafood Café v. Quinteros**, 176 F.3d 669, 677 (3d Cir. 1999).

Given these strong precedents and the urgent, imminent threat of constitutional harm, immediate emergency relief is both appropriate and necessary.

REQUESTED RELIEF

Petitioner respectfully move this Court to immediately issue an Emergency Temporary Stay of Removal, suspending any immigration proceedings including the Individual Hearing scheduled for **June 3, 2025**, until this Court fully resolves the pending Habeas Corpus Petition (2:25-cv-03000).

Petitioner respectfully request expedited consideration of this Emergency Motion due to the immediacy of the June 3, 2025, EOIR hearing and the irreparable constitutional harm that may result if a stay is not granted.

EXHIBITS IN SUPPORT

- **Exhibit A:** EOIR Notice confirming Individual Immigration Hearing date of June 3, 2025.

Respectfully submitted,

Dated: May 8, 2025



Eduardo H. Jimenez Perez

Petitioner, Pro Se

256 Columbia Ave., 2nd Floor

Lodi, NJ 07644

Tel: (201) 952-9132

Email: rp_eduardo@hotmail.com

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2025, I served a true and correct copy of this **Emergency Motion for Temporary Stay of Removal**, including exhibits, via U.S. Certified Mail upon the following parties:

- **U.S. Attorney's Office, District of New Jersey**
Martin Luther King Jr. Federal Building
50 Walnut Street, Suite 700
Newark, NJ 07102
- **Office of Chief Counsel, DHS/ICE**
970 Broad Street, Room 1300
Newark, NJ 07102
- **Clerk of Court**
United States District Court, District of New Jersey
Martin Luther King Jr. Federal Building
50 Walnut Street
Newark, NJ 07102

Executed on May 8, 2025, in Lodi, New Jersey.



Eduardo H. Jimenez Perez

Petitioner, Pro Se

PROPOSED ORDER

(to be completed by Court)

Upon consideration of Petitioner Eduardo H. Jimenez Perez's Emergency Motion for Temporary Stay of Removal, and for good cause clearly shown, it is hereby ORDERED that:

GRANTED – Petitioner's Individual Immigration Hearing before EOIR currently scheduled for June 3, 2025, is temporarily stayed pending final resolution of the Habeas Corpus Petition under 28 U.S.C. § 2241 (Case No. 2:25-cv-03000).

DENIED – Petitioner's motion is denied.

DATED: _____, 2025

HONORABLE EVELYN PADIN
UNITED STATES DISTRICT JUDGE

Exhibit A

EOIR Notice confirming Petitioner's Individual
Immigration Hearing scheduled for **June 3, 2025**

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
NEWARK IMMIGRATION COURT

LEAD FILE: [REDACTED]
IN REMOVAL PROCEEDINGS
DATE: Apr 8, 2024

TO: Law offices of Richard S. Mazawey
Mazawey, Richard S
1135 Broad street
Suite 211
Clifton, NJ 07013

RE: [REDACTED] JIMENEZ PEREZ, EDUARDO H

Notice of In-Person Hearing

Your case has been scheduled for a INDIVIDUAL hearing before the immigration court on:

Date: Jun 3, 2025
Time: 10:30 A.M. ET
Court Address: 970 BROAD STREET, ROOM 1200
COURTROOM G, NEWARK, NJ 07102

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

Retail



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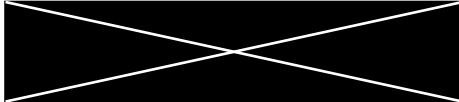
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Eduardo H. Jimenez Perez



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