

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAWLE GERARD SUITE,	:	
	:	
Petitioner,	:	CIVIL ACTION
	:	
v.	:	
	:	
CHRISTOPHER J. LAROSE, et al.,	:	No. 25–2613
	:	
Respondents.	:	

**MOTION TO STAY ORDER REQUIRING BOND HEARING  
PENDING DECISION ON MOTION FOR RECONSIDERATION**

Respondents move the Court to stay its January 15, 2026 order, which granted the petition for a writ of habeas corpus and required the government to provide Petitioner Rawle Gerard Suite with a bond hearing within 14 days (ECF No. 19), until the Court considers and decides the Respondents’ pending motion to reconsider that order based on intervening mootness (ECF No. 20). The reasons are set forth in the attached memorandum.

On January 21, 2026, Respondents’ counsel contacted counsel for Petitioner Suite, who stated that Petitioner does not affirmatively agree, but “takes no position” regarding a motion for a stay and would not be filing a response.

Respectfully submitted,

DAVID METCALF  
United States Attorney

/s/ Susan R. Becker for GBD  
GREGORY B. DAVID  
Assistant United States Attorney  
Chief, Civil Division

/s/ Mark J. Sherer  
MARK J. SHERER  
Assistant United States Attorney  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106  
(215) 861-8445  
mark.sherer@usdoj.gov

Dated: January 22, 2026

**CERTIFICATE OF SERVICE**

I certify that on this date, the foregoing motion was filed electronically and is available for viewing and downloading from the CM/ECF system, and served on counsel for petitioner.

Dated: January 22, 2026

/s/ Mark J. Sherer  
MARK J. SHERER  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAWLE GERARD SUITE,	:	
	:	
Petitioner,	:	CIVIL ACTION
	:	
v.	:	
	:	
CHRISTOPHER J. LAROSE, et al.,	:	No. 25–2613
	:	
Respondents.	:	

**MEMORANDUM OF LAW IN SUPPORT OF MOTION  
TO STAY ORDER REQUIRING BOND HEARING  
PENDING DECISION ON MOTION FOR RECONSIDERATION**

The Court should stay its January 15, 2026 order (ECF No. 19), which grants the petition for a writ of habeas corpus and requires the government to provide Petitioner Rawle Gerard Suite with a bond hearing by January 29, 2026, until the Court considers and rules on the Respondents’ pending motion to reconsider (ECF No. 20), which challenges the Court’s subject-matter jurisdiction to grant the writ and order a bond hearing because Suite’s habeas petition had become moot two days beforehand.

**I. LEGAL STANDARD**

“A United States district court has broad power to stay proceedings.” *Bechtel Corp. v. Loc. 215, Laborers’ Int’l Union of N.A., AFL-CIO*, 544 F.2d 1207, 1215 (3d Cir. 1976). “The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.” *Id.* (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936)).

**II. ARGUMENT**

Respondents recently moved the Court to reconsider its order of January 15, 2026 (ECF No. 19), which granted Suite’s petition for a writ of habeas corpus and requires the government to arrange for an individualized bond hearing of Suite before an immigration judge within 14 days—i.e., by January 29, 2026. *See* ECF No. 20.

Specifically, the pending motion asks this Court to vacate its January 15, 2026, order and dismiss Suite's habeas petition as moot, because as of January 13, 2026, after the Court of Appeals dismissed Suite's petition for rehearing in that court, Suite automatically became subject to a non-stayed, final order of removal, and the source of his continued detention became (and, to-date, remains) 8 U.S.C. § 1231(a), which provides mandatory detention for 90 days, and which does not entitle an alien to a bond hearing. *See* ECF No. 20 at 2–4.

This Court has not yet ruled on that motion for reconsideration. And on January 21, 2026, the Court granted Suite's request for 14 days in which to file a response to the motion, giving him a deadline of January 30, 2026. ECF No. 21.

Under the Court's most-recent order, therefore, Suite's response to the motion to reconsider is not due until one day *after* the Court's earlier, January 29, 2026, deadline for the government to provide him with an individualized bond hearing. But although the Respondents' motion to reconsider raises a fundamental challenge to the Court's subject matter jurisdiction to issue the January 15, 2026 (because by then, Suite's Petition had already become moot), the Court has not stayed its order for a bond hearing.

A stay here is appropriate because a motion to reconsider does not automatically stay a party's obligation to comply with a previously issued order. *See Norfolk S. Ry. v. Baltimore & Annapolis R.R.*, 2016 WL 11606635, at \*4 n.3 (D.S.C. Jan. 6, 2016) (citing cases). And Respondents therefore wish to avoid (1) prejudice resulting from potentially conflicting rulings, especially if the Court later agrees that Suite's petition had become moot by the time the Court issued its January 15, 2026 order, (2) inadvertent noncompliance with a challenged court order that was subject to a motion for reconsideration, and (3) a situation where it is inequitable to later reverse an order that required compliance the Court was not authorized to give. *See, e.g., Coleman v. Commonwealth Land Title Ins. Co.*, 2010 WL 2545539, at \*2 (E.D. Pa. June 18, 2010); Wright & Miller, 13B *Fed. Prac. & Proc. Juris.* § 3533.2.2 (3d ed.).

Respondents therefore respectfully request that the Court stay its January 15, 2026 order, including the requirement that the government provide Petitioner Rawle Gerard Suite with a bond hearing by January 29, 2026, until such time that the Court considers and rules on the Respondents' pending motion to reconsider (ECF No. 20).

On January 21, 2026, Respondents' counsel contacted counsel for Petitioner Suite, who stated that Petitioner does not affirmatively agree but "takes no position" in response to a motion for a stay and would not be filing a response to this motion.

### III. CONCLUSION

For these reasons, the Court should stay its January 15, 2026 Order until it considers and decides the pending motion for reconsideration.

Respectfully submitted,

DAVID METCALF  
United States Attorney

/s/ Susan R. Becker for GBD  
GREGORY B. DAVID  
Assistant United States Attorney  
Chief, Civil Division

/s/ Mark J. Sherer  
MARK J. SHERER  
Assistant United States Attorney  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106  
(215) 861-8445  
mark.sherer@usdoj.gov

Dated: January 22, 2026

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAWLE GERARD SUITE,	:	
	:	
Petitioner,	:	CIVIL ACTION
	:	
v.	:	
	:	
CHRISTOPHER J. LAROSE, et al.,	:	No. 25–2613
	:	
Respondents.	:	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2026,  
on consideration of the Respondents’ Motion to Stay Order Requiring Bond Hearing  
Pending Decision on Motion for Reconsideration, on which Petitioner takes no position,  
it is ORDERED that the motion is GRANTED.

The Court’s order of January 15, 2026 (ECF No. 19) is STAYED pending a  
decision on the Respondents’ Motion for Reconsideration (ECF No. 20) and further  
order of this Court.

BY THE COURT:

\_\_\_\_\_  
KAI N. SCOTT  
United States District Judge