

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ANDERSON ALBERTO SEVILLANO
PIRAQUENO,

Petitioner,

v.

TODD MY LYONS, ACTING DIRECTOR, U S.
IMMIGRATION & CUSTOMS
ENFORCEMENT, *et al* ,

Respondents

Case No. 1:25-cv-535 (PTG-LRV)

JOINT MOTION TO STAY THE PROCEEDINGS

Pursuant to this Court's inherent authority, the parties, through their undersigned counsel, hereby respectfully submit this joint motion to stay the proceedings in the above-captioned action. The grounds for this motion are as follows.

1. On March 27, 2025, Petitioner filed his petition for writ of habeas corpus and complaint for declaratory relief *See generally* Dkt. 1. The gravamen of the petition is that although Petitioner recognizes that he is subject to discretionary detention during removal proceedings pursuant to 8 U.S.C. § 1226(a) (*i.e.*, that which allows his release on bond should an immigration judge exercise his or her discretion in favor of such release), he believes that the Department of Homeland Security ("DHS") erroneously placed him into removal proceedings as an "arriving alien," which would preclude his release on bond by an immigration judge. He asserts three claims for relief: a claim under the Declaratory Judgment Act, seeking a declaration from this Court that he is not an "arriving alien" as that term is used in 8 U.S.C. § 1225(b)(A)(B)(ii) ("Count I"), a claim that he is being held in immigration detention without an opportunity for a bond hearing, in violation of 8 U.S.C. § 1226(a) ("Count II"); and a claim that he is being held in

immigration detention without any individualized determination that he needs to be detained violates the Due Process Clause of the U.S. Constitution (“Count III”) *Id.* ¶¶ 24-35.

2. On March 28, 2025, the Court entered an order directing Respondents by 5:00pm on March 31, 2025, to show cause as to why the petition should not be granted. The order also set a hearing for April 2, 2025 at 11:00am and directed Respondents to transport Petitioner, with his belongings, to the Court for attendance at that hearing. Order (Dkt 3).

3. Good cause exists to stay this case, including the Court’s March 28, 2025 Order. Respondents have provided Petitioner’s counsel with Petitioner’s notice to appear in immigration court, which states that Petitioner is present in the United States and has not been admitted or paroled. Exhibit 1 (NTA). In other words, DHS is not alleging that Petitioner is an “arriving alien,” and thus ineligible for release on bond. Additionally, Petitioner has a bond hearing scheduled for April 21, 2025 before an immigration judge. Congress has delegated authority to the Attorney General to determine whether individuals like Petitioner are entitled to bond, and the exercise of such discretion pursuant to Section 1226(a) is not subject to judicial review. *Id.* § 1226(e).

4. Accordingly, if the immigration judge agrees that Petitioner is not an “arriving alien,” this action will be moot. The parties seek to stay this matter pending Petitioner’s bond hearing before the immigration judge.

5. “A district court has the ‘inherent power’ to stay a pending action to ensure both the ‘efficient management of [its] docket[,]’ as well as ‘economy of time and effort for itself, for counsel, and for litigants.’” *Hawley v. Johnson & Johnson*, 2011 WL 7946243, at *1 (E.D. Va. Apr. 29, 2011) (quoting *Williford v. Armstrong World Indus.*, 715 F.2d 124, 127 (4th Cir. 1983); *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). When considering a motion to stay, a court

should consider three factors: “(1) the interests of judicial economy; (2) hardship and equity to the moving party if the action is not stayed; [and] (3) potential prejudice to the non-moving party” *Sehler v Prospect Mortg , LLC*, 2013 WL 5184216, at *2 (E.D. Va. Sept. 16, 2013) (internal quotation marks omitted), *see also Hawley*, 2011 WL 7946243, at *1 (“When determining whether a stay is appropriate, a district court must ‘weigh competing interests and maintain an even balance.’” (quoting *Landis*, 299 U.S. at 255)). In general, the decision of whether to stay a case “lies within the sound discretion” of the court. *See Fisher v United States*, 2013 WL 6074076, at *4 (E D Va Nov. 18, 2013).

6. Here, all of the factors articulated in *Sehler* weigh in favor of a stay. Because this motion is submitted jointly by the parties, there is no potential prejudice to either party if the stay is granted. In the interests of judicial economy, a stay would avoid the unnecessary and burdensome expenditure of the parties' and this Court's resources that would be required to adjudicate the numerous jurisdictional and merits issues presented in this action. Moreover, this stay would moot the need for a response to the order to show cause, as well as moot the need for a hearing on the petition.

7 On April 23, 2025, the parties will either file a joint stipulation of dismissal of this
action, or will file a joint motion for a briefing schedule on Petitioner's petition.

8. A proposed Order is provided for the convenience of the Court.

Respectfully submitted,

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Date: March 29, 2025

Counsel for Respondents

Date: March 29, 2025