No. 25-1211

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

FABRICIO FERREIRA GOMES,

Petitioner-Appellant,

v.

ANTONE MONIZ, Superintendent, Plymouth County House of Correction; PATRICIA HYDE, Acting Director of Boston Field Office, U.S. Immigration and Customs Enforcement; and KRISTI NOEM, Secretary of the U.S. Department of Homeland Security,

Respondents-Appellees.

On Appeal form the United States District Court for the District of Massachusetts
No. 1:25-cv-10455

RESPONDENTS' OPPOSITION TO PETITIONER'S EMERGENCY MOTION FOR STAY OF REMOVAL

PETITIONER IS DETAINED

INTRODUCTION

Petitioner Fabricio Ferreira Gomes ("Mr. Gomes") filed a habeas petition that sought to enjoin his removal so that he could pursue his belatedly-filed Form I-914, application for T-nonimmigrant status ("T-visa application") with U.S. Citizenship and Immigration Services ("USCIS"), a subagency of the U.S. Department of

Homeland Security. The district court correctly dismissed the petition for lack of jurisdiction, and Mr. Gomes now asks this Court to halt his removal pending this appeal. First, Mr. Gomes seeks review of the discretionary decision to execute his removal order, and Congress expressly forbids such review. Simply stated, both this Court and the lower court lack jurisdiction to stay Mr. Gomes's removal under 8 U.S.C. § 1252(g). Furthermore, the relief sought contravenes the purpose of habeas. While the relief available in habeas proceedings is release from custody, Mr. Gomes seeks relief from removal, which the Supreme Court has held is improper in habeas proceedings. *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 117 (2020). Lastly, even if this Court could consider Mr. Gomes's request, issuing a "stay" is not warranted because Mr. Gomes has failed to demonstrate that he is likely to succeed on the merits of his habeas petition, that he will likely suffer irreparable harm, or that the public interest weighs in favor of staying his removal. The Court should deny Mr. Gomes's motion.

BACKGROUND

Mr. Gomes is a native and citizen of Brazil who entered the United States without inspection in 2001. Petition for Writ of Habeas Corpus ("Petition"), Dist. Ct. Doc. No. 1, ¶¶ 1, 20. Upon his unlawful arrival into the United States, Mr. Gomes was encountered by Legacy Immigration and Naturalization Service and was placed into removal proceedings, but later released on bond. *Id.* ¶¶ 20-21. While the Petition

glosses over the facts as they relate to Mr. Gomes's final order of removal, it appears that he was ordered removed by the Boston Immigration Court for his failure to appear at his scheduled immigration proceedings. *Id.* ¶ 21. In 2013, U.S. Immigration and Customs Enforcement ("ICE") detained Mr. Gomes, but ultimately exercised its discretion and released him on an Order of Supervision ("OSUP"). *Id.* ¶ 22. The Petition does not discuss how or why Mr. Gomes encountered ICE or what led to his detention.

Since that time, Mr. Gomes alleges that he attempted to challenge his removal order twice by filing two motions to reopen. *Id.* ¶ 23. The immigration court denied his first motion to reopen, and the Board of Immigration Appeals ("BIA") affirmed the denial. *Id.* Mr. Gomes omitted the result of the second motion in the Petition, however, the BIA denied the second motion on August 22, 2024. Defendants' Supplemental Filing, Exhibit A, Declaration of Assistant Filed Office Director Keith Chan ("Chan Decl."), Dist. Ct. Doc. No. 23-1, ¶ 10. Importantly, the Petition makes no allegation that Mr. Gomes ever attempted to challenge his final order of removal with this Court, or any circuit court, by way of a petition for review ("PFR"), even after repeatedly challenging his final order of removal with the administrative courts.

Rather, on or about January 22, 2025, Mr. Gomes claims to have filed a T-visa application with USCIS seeking relief from removal by claiming that he was a victim of severe labor trafficking. *Id.* ¶ 25. Mr. Gomes has not provided a receipt

number for his application and as of February 28, 2025, there remains no evidence of Mr. Gomes's T-visa application in ICE's databases. Chan Decl. ¶ 13. However, Mr. Gomes alleges that he has requested, via email, expedited adjudication of his T-visa application. *See* Emergency Motion for Stay of Removal ("Emergency Stay Motion") at 5.

On February 4, 2025, Mr. Gomes was instructed to appear at Boston's ICE office in Burlington, Massachusetts to be enrolled in ICE's Compliance Assistance Reporting Terminal ("CART"). Pet. ¶ 27. On February 26, 2025, Mr. Gomes appeared at ICE's office in Burlington, and he was detained. On that date, Mr. Gomes filed an Emergency Motion for Immediate Release. *See* Status Update and Emergency Motion for Release, Dist. Ct. Doc. No. 8.

On February 28, 2025, Respondents filed their Response to the Petition. *See* Respondents' Memorandum in Opposition to Petitioner's Petition for Writ of Habeas Corbus Pursuant to 28 U.S.C. § 2241 ("Respondents' Opp."), Dist. Ct. Doc. No. 11. On the same day, the district court held its hearing on the Petition and denied Mr. Gomes's Petition. *See* Order, Dist. Ct. Doc. No. 13; Final Judgment, Dist. Ct. Doc. No. 14. Mr. Gomes filed the Notice of Appeal later that day. Notice of Appeal, Dist. Ct. Doc. No. 15.

Also on February 28, 2025, Mr. Gomes filed a motion for stay of removal. Emergency Motion for Stay of Removal, Dist. Ct. Doc. No. 17. On the same day,

Mr. Gomes filed an amended motion. Amended Emergency Motion for Stay of Removal, Dist. Ct. Doc. No. 18. While the district court denied a permanent stay of removal, the district court entered a temporary stay through 5:00pm on Saturday, March 8, 2025, to allow Mr. Gomes to pursue the instant appeal. Order Concerning Emergency Stay, Dist. Ct. Doc. No. 20.

ARGUMENT

I. Mr. Gomes's request runs afoul of Section 1252(g).

The district court correctly recognized that it lacked jurisdiction over Mr. Gomes's claims and this Court similarly lacks jurisdiction to halt Mr. Gomes's removal in this type of proceeding.

a. Section 1252(g) bars review of Mr. Gomes's claims.

Congress has spoken clearly, emphatically, and repeatedly, providing that "no court" has jurisdiction over "any cause or claim" arising from the execution of removal orders, "notwithstanding any other provision of law," whether "statutory or nonstatutory," including habeas, mandamus, or the All Writs Act. 8 U.S.C. § 1252(g). Accordingly, by its terms, this jurisdiction-stripping provision precludes habeas review under 28 U.S.C. § 2241 (as well as review pursuant to the All Writs Act and Administrative Procedure Act ("APA")) of claims arising from a decision or action to "execute" a final order of removal. *See Reno v. American-Arab Anti-Discrimination Committee* ("*AADC*"), 525 U.S. 471, 482 (1999).

Mr. Gomes's claims unquestionably arise from the execution of his removal order, thereby activating this jurisdictional bar. Mr. Gomes states that he does not seek review over ICE's decision to execute his final removal order, but rather "the timing of the execution of his removal." Emergency Stay Mot. at 8. But, even review of Mr. Gomes's challenge to the timing of "when" his removal order should be executed is barred by § 1252(g). *Tazu v. Att'y Gen.*, 975 F.3d 295, 297 (3d Cir. 2020) (observing that "the discretion to decide whether to execute a removal order includes the discretion to decide *when* to do it" and that "[b]oth are covered by the statute") (emphasis added). That Mr. Gomes alleges that removal would violate the the APA and due process, Pet. ¶¶ 35-51, is of no consequence. Adopting Mr. Gomes's theory "would gut § 1252(g)" because "[f]uture petitioners could restyle any challenge to the [covered] actions… as a challenge to the Executive's general lack of authority to violate due process, equal protection, the [APA], or some other federal law." *Tazu*, 975 F.3d at 298; *see also E.F.L. v. Prim*, 986 F.3d 959, 964 (7th Cir. 2021) (noting that the restyling of claims would make § 1252(g) a "paper tiger"); *Rauda v. Jennings*, 55 F.4th 773, 778 (9th Cir. 2022) ("No matter how Matias frames it, his challenge is to the Attorney General's exercise of his discretion to execute Matias's removal order, which we have no jurisdiction to review."); *Camarena v. Dir., Immigr. & Customs Enf.*, 988 F.3d 1268, 1274 (11th Cir. 2021) (recognizing that holding "otherwise" would mean that "any petitioner could frame his or her claim

as an attack on the government's *authority* to execute a removal order rather than its *execution* of a removal order.") (emphasis in original); *Ragbir v. Homan*, 923 F.3d 53, 64 (2d Cir. 2019), *cert. granted, judgment vacated sub nom. Pham v. Ragbir*, 141 S. Ct. 227 (2020) (stating that, if the government unquestionably had statutory authority to execute a final order of removal, then § 1252(g) bars review of claims seeking to enjoin the execution of that removal order); *Troy as Next Friend Zhang v. Barr*, 822 F. App'x 38, 39 (2d Cir. 2020) (unpublished) (affirming that § 1252(g) barred district court jurisdiction over habeas petition seeking a stay of removal, which "is a request to delay the execution of a removal order").

Holding that § 1252(g) bars review here would align this Court with its sister circuits. Indeed, many circuit courts that have considered this question have consistently held that 8 U.S.C. § 1252(g) precludes jurisdiction to review habeas challenges to the decision to execute a final order of removal. *See Rauda v. Jennings*, 55 F.4th 773, 778 (9th Cir. 2022) (holding that it lacked jurisdiction over noncitizen's habeas challenge to the exercise of discretion to execute his removal order); *Camarena*, 988 F.3d at 1274 ("[W]e do not have jurisdiction to consider 'any' cause or claim brought by an alien arising from the government's decision to execute a removal order. If we held otherwise, any petitioner could frame his or her claim as an attack on the government's *authority* to execute a removal order rather than its *execution* of a removal order.") (emphasis in original); *Tazu*, 975 F.3d at 297

(observing that "the discretion to decide *whether* to execute a removal order includes the discretion to decide *when* to do it" and that "[b]oth are covered by the statute"); *Silva v. United States*, 866 F.3d 938, 941 (8th Cir. 2017) (§ 1252(g) applies to constitutional claims arising from the execution of a final order of removal, and language barring "*any* cause or claim" made it "unnecessary for Congress to enumerate every possible cause or claim") (emphasis in original); *Elgharib v. Napolitano*, 600 F.3d 597, 602 (6th Cir. 2010) ("[A] natural reading of 'any other provision of law (statutory or nonstatutory)' includes the U.S. Constitution.") (quoting 8 U.S.C. § 1252(g)); *see also Duamutef v. INS*, 386 F.3d 172, 181-82 & n.8 (2d Cir. 2004) (holding that district court lacked mandamus jurisdiction due to § 1252(g) to compel ICE to take custody over state prisoner and execute final removal order, but declining to address whether § 1252(g) barred habeas claims); *Hamama v. Adducci*, 912 F.3d 869, 874-77 (6th Cir. 2018) (vacating district court's injunction staying removal, concluding that § 1252(g) stripped district court of jurisdiction over removal-based claims and remanding with instructions to dismiss those claims). Section 1252(g) bars review here, and Mr. Gomes provides no meaningful argument as to why this Court should deviate from this well-established principle. Notably, the Court of Appeals for the Second Circuit recently denied a temporary stay request in a similar case. *See K.K. v. McHenry*, No. 25-190 (2d Cir.), Dkt. No. 14.1.

Moreover, district courts within this Circuit have routinely held that they lack jurisdiction to enter an order staying removal based on section 1252(g)'s plain language. *See Tejada v. Cabral,* 424 F. Supp. 2d 296, 298 (D. Mass. 2006) ("Congress made it quite clear that all court orders regarding alien removal—be they stays or permanent injunctions—were to be issued by the appropriate courts of appeals."); *Aziz v. Chadbourne*, No. CIV.A.07-11806-GAO, 2007 WL 3024010, at *1 (D. Mass. Oct. 15, 2007) ("[a]ny stay of the final order of removal would squarely interfere with the execution of the removal order."); *Martin v. U.S. Immigration & Customs Enf't,* No. CIV.A. 13-11329-DJC, 2013 WL 3282862, at *3 (D. Mass. June 26, 2013) ("this Court lacks authority to issue a stay of a final order of removal."); *Nelson v. Hodgson*, No. CIV.A. 14-10234-DJC, 2014 WL 2207621, at *2 (D. Mass. May 27, 2014) (the "provisions of the REAL ID Act preclude this court from entering an order staying petitioner's removal."); *Doe v. Smith*, No. CV 18-11363-FDS, 2018 WL 4696748, at *3 (D. Mass. Oct. 1, 2018) (same); *Compere v. Riordan*, 368 F. Supp. 3d 164, 170 (D. Mass. 2019) (same); *Lopez Lopez v. Charles*, No. 12-CV-101445-DJC, 2020 WL 419598, at *4 (D. Mass. Jan. 26, 2020) (same).

b. *Nken* does not apply to Mr. Gomes's claims.

Mr. Gomes confusingly would have this Court apply the factors under *Nken v. Holder*, 556 U.S. 418 (2009), to determine whether it should halt Mr. Gomes's removal. Emergency Stay Mot. at 7. But his theory simply illustrates the impropriety

of Mr. Gomes's claims. *Nken* specifically dealt with a request for a stay pending a PFR. *Nken*, 556 U.S. at 418. Because Mr. Gomes never filed a PFR with this Court (or with any other circuit court), *Nken* simply does not apply.

The Immigration and Nationality Act ("INA") sets out the channels of judicial review of immigration decisions and the petition-for-review process. *See* 8 U.S.C. § 1252. During the course of review, a court of appeals may stay the removal while a petition challenging the order of removal is pending. 8 U.S.C. § 1252(b)(3)(B). Because the removal order is properly before a court of appeals in a petition for review, the *Nken* Court concluded that when a circuit court considers halting the removal, then, it must apply the traditional stay factors while adjudicating a petitioner's motion for a stay of removal. 556 U.S. at 433-34.

But the current proceeding and appeal are *not* that. Mr. Gomes seeks to enjoin his removal through an appeal from a habeas action. But with the REAL ID Act, Congress prescribed a single path for judicial review of orders of removal: "a petition for review filed with an appropriate court of appeals." 8 U.S.C. § 1252(a)(5); *see also Delgado v. Quarantillo*, 643 F.3d 52, 54 (2d Cir. 2011)) (noting that the REAL ID Act amended the immigration process so that that "a petition for review with the court of appeals is the 'sole and exclusive means for judicial review of an order of removal' and that judicial review of "all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from

any action taken or proceeding brought to remove an alien from the United States" is only available through a petition for review). Therefore, read in conjunction with § 1252(b)(9), § 1252(a)(5) expresses Congress's intent to channel and consolidate judicial review of every aspect of removal proceedings into the petition-for-review process in the courts of appeals. H.R. Conf. Rep. No. 109-72, at 174-75; *see also Bonhometre v. Gonzales*, 414 F.3d 442, 446 (3d Cir. 2005) (highlighting Congress's "clear intent to have all challenges to removal orders heard in a single forum (the courts of appeals)" as part of a petition for review).

Applying the *Nken* factors here would vitiate the entire purpose of the REAL ID Act's jurisdiction-channeling provisions. Mr. Gomes is bringing nothing more than an indirect challenge to his removal order, and Congress specifically requires those claims be raised through a petition for review. *See Delgado*, 643 F.3d at 55. He cannot now "evade the restrictions of § 1252(a)(5) by styling [his] challenge" to allow for judicial review. *Id.* at 56 (citing *Lang v. Napolitano*, 596 F.3d 426, 429 (8th Cir. 2010)). Mr. Gomes now claims that he brings a "programmatic challenge" to ICE policies and procedures. Emergency Stay Mot. at 7-8. Specifically, Mr. Gomes claims that he challenges ICE's policy of removing individuals without "consideration to the underlying fact [sic] and circumstances." *Id.* But the Court should look to the "substance of the relief" he seeks when looking to apply the

jurisdictional bars. *Delgado*, 643 F.3d at 55. The substance of the relief that he seeks is clear: preventing the execution of his final-removal order.

In addition to failing to point to any legal authority that ICE must make any such considerations, Mr. Gomes fails to realize that his claims amount to challenges to how, why, and when the government is choosing to execute his final order of removal. Such a challenge is barred by 8 U.S.C. § 1252(g). Here, Mr. Gomes unequivocally, emphatically, and openly admits that he seeks to enjoin his removal. *Id.* at 3, 14. The relief he seeks would impermissibly invalidate the finality of his removal order. *See Singh v. Napolitano*, 500 F. App'x 50, 52 (2d Cir. 2012) (holding that attempt to "employ[] a habeas petition effectively to challenge the validity and execution of [a] removal order," even "indirectly," is "jurisdictionally barred"); *see also Freire v. U.S. Dep't of Homeland Sec.*, 711 F. App'x 58, 59 (2d Cir. 2018) ("[Section 1252(a)(5)] removes jurisdiction from the district courts over any challenge [to] the denial of an application for status adjustment of a party who is already subject to a removal order, if the relief requested in the challenge would invalidate the order.").

The Petition makes no allegation that Mr. Gomes has sought review of his final order of removal at all, which would have permitted him to seek a stay of removal during the pendency of review. *See Nken*, 556 U.S. 423-24. He could have done so by filing a petition for review, but he chose not to utilize that path. Therefore,

as of today, he has an executable final order of removal, meaning the government has discretion to execute it at any time. *See Ragbir*, 923 F.3d at 64 ("Here, the Government unquestionably had statutory authority to execute Ragbir's final order of removal[.]"); *Tazu*, 975 F.3d at 298 (holding that § 1252(g) applied because "Tazu point[ed] to no flaw in the Attorney General's statutory authority to remove him" nor did he "challenge the existence of his removal order").

The government understands and is sympathetic to Mr. Gomes's familial ties to the United States. However, "[t]here is always a public interest in prompt execution of removal orders[.]" *Nken*, 556 U.S. at 436 (internal quotation omitted); *cf. Demore v. Kim*, 538 U.S. 512, 528 (2003) (upholding the constitutionality of a mandatory detention provision because Congress was concerned about "deportable criminal aliens skipping their hearings and remaining at large in the United States unlawfully"). And here, Congress provided a clear command, and this Court should not exercise its equitable power to issue an injunction that it lacks jurisdiction to issue. *Contra Califano v. Yamasaki*, 442 U.S. 682, 705 (1979) ("Absent the clearest command to the contrary from Congress, federal courts retain their equitable power to issue injunctions in suits over which they have jurisdiction.").

II. Mr. Gomes seeks relief unavailable in habeas proceedings.

Mr. Gomes's motion seeks to enjoin his removal from the United States prior to the adjudication of his pending T-visa application. This is not a challenge to the

legality of his detention, and therefore is a claim that does not sound in habeas. "Habeas is at its core a remedy for unlawful executive detention." *Munaf v. Geren*, 553 U.S. 674, 693 (2008). The writ of habeas corpus and its protections are "strongest" when reviewing "the legality of Executive detention." *INS v. St. Cyr*, 533 U.S. 289, 301 (2001). Therefore, the traditional function of the writ is to seek one's release from unlawful detention. *Thuraissigiam*, 591 U.S. at 117 (citing *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973)).

As the Supreme Court recently held, relief other than "simple release" is not available in a habeas action. *See Thuraissigiam*, 591 U.S. at 119 ("Claims so far outside the core of habeas may not be pursued through habeas.") (internal quotations and citations omitted). In reversing the Ninth Circuit's decision, the Court concluded that habeas has been historically used to challenge confinement and detention. *Id.* at 117. In *Thuraissigiam*, the petitioner did not seek "simple release," but to "stay in this country." *Id.* at 119. Had he sought proper habeas relief, it would take the form of release "in the cabin of a plane bound for [the designated country]." *Id.* Other circuits have followed this principle. *See, e.g.*, *Tazu*, 975 F.3d at 300 ("And Tazu's constitutional right to habeas likely guarantees him no more than the relief he hopes to avoid—release into 'the cabin of a plane bound for Bangladesh.'") (brackets omitted); *E.F.L.*, 986 F.3d at 965-66 (holding that a petitioner could not invoke an

alleged Suspension violation when a petition does not contest the lawfulness of restraint or seek release from custody); *Rauda*, 55 F.4th at 780 (same as *E.F.L.*).

Instead of simple release, Mr. Gomes seeks to stop his removal. *See generally* Emergency Stay Mot. at 7-14. In other words, what Mr. Gomes truly seeks is to remain in the United States to pursue other immigration benefits. This is not the type of relief that the Supreme Court found to be subject to habeas review. *See Thuraissigiam*, 591 U.S. at 119 (holding that the relief sought, which did not include release, fell "outside the scope of the common-law habeas writ"). The Supreme Court has taken a "narrow view of habeas relief in the immigration context, which supports [a] reluctance to extend habeas relief to aliens who are released from detention." *See Bacilio-Sabastian v. Barr*, 980 F.3d 480, 483 (5th Cir. 2020) (citing *Thuraissigiam*, 140 S. Ct. at 1963). This Court should reject Mr. Gomes's request to expand it further.

III. Assuming that this Court has inherent power to determine whether a stay is warranted, Mr. Gomes failed to meet his heavy burden.

As argued above, *Nken* does not apply to this case. *See supra* Argument § I.b. However, even if the Court applies the *Nken* factors to this motion, then it should still deny Mr. Gomes's request. In *Nken*, the Supreme Court held that, when deciding whether to grant a noncitizen's motion for a stay of removal, the traditional four-factor test for granting a preliminary injunction applies. *Nken*, 556 U.S. at 433-34. Those factors are: (1) whether the applicant for the stay "has made a strong showing

that he is likely to succeed on the merits"; (2) whether the applicant will be "irreparably injured absent a stay"; (3) "whether issuance of the stay will substantially injure the other parties interested in the proceeding"; and (4) "where the public interest lies." *Id.* at 434 (internal quotation marks omitted). In deciding whether to grant a stay, the first two factors are "the most critical." *Id.* The final two factors – the harm to the opposing party and the public interest – merge when the Government is the opposing party. *Id.* at 435. This is a "demanding standard[,] [and] . . . courts should not grant stays of removal on a routine basis." *Id.* at 437-38 (Kennedy, J., concurring); *see also Doe v. Mills*, 39 F.4th 20, 25-27 (1st Cir. 2022) (denying stay motion under *Nken* standards). Importantly, "[a] stay 'is not a matter of right, even if irreparable injury might otherwise result to the appellant.'" *Doe v. Mills*, 39 F.4th 20, 25 (1st Cir. 2022) (quoting *Nken*, 556 U.S. at 427).

Here, the factors weigh against a stay pending appeal. As discussed above, neither the lower court nor this Court have jurisdiction to grant the relief sought by Mr. Gomes in his habeas petition—an order staying removal in order to remain in the United States to pursue immigration benefits—because 8 U.S.C. § 1252(g) precludes that type of relief and the relief sought is contrary to habeas. Thus, because Mr. Gomes cannot show a likelihood of success on the merits, the first factor weighs against a stay.

Furthermore, the second factor also weighs against a stay. Mr. Gomes argues that removal would render him ineligible for a T-visa. Emergency Stay Mot. at 11-12. But as explained above, the relief available in habeas is release from confinement, not a full stop to removal to pursue other immigration relief. *See supra* § II. Mr. Gomes would not be irreparably injured by denying a stay when these habeas proceedings cannot provide him with the relief he seeks. Crucially, the mere submission of an application seeking T nonimmigrant status has no effect on ICE's authority or discretion to execute a final order of removal. 8 C.F.R. § 214.204(b)(2)(i) ("The filing of an Application for T Nonimmigrant Status has no effect on DHS authority or discretion to execute a final order of removal"). A stay of removal is automatically granted *only* once USCIS determines that T-visa application is *bona fide.* 8 C.F.R. § 214.204(b)(2)(iii). Mr. Gomes makes no claim that USCIS has made a *bona fide* determination on his T-visa application. To the extent Mr. Gomes contends that the mere filing of a T-visa application is sufficient to warrant a stay, his argument contravenes the governing regulations. 8 C.F.R. § 241.204(b)(2).[1]

As for the last two factors, they weigh heavily against Mr. Gomes. As explained, Mr. Gomes has a final executable order of removal. As the Supreme Court

[1] Moreover, Mr. Gomes had the opportunity to seek a stay of removal from ICE pending adjudication of his T-visa application but chose not to do so. *See* 8 C.F.R. § 241.6.

observed in *Nken*, "[t]here is always a public interest in prompt execution of removal orders[.]" *Nken*, 556 U.S. at 436 (internal quotation omitted). Here, the public interest generally favors the removal of a noncitizen in the United States who continues to be detained at taxpayer expense.

CONCLUSION

For the foregoing reasons, the Court should deny Mr. Gomes's motion to stay his removal.

Dated: March 5, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because:

   The motion contains 4,163 words, excluding the parts of the motion exempted by Fed. R. App. P. 27(a)(2)(B).

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the typestyle requirements of Fed. R. App. P. 32(a)(6) because:

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Date: March 5, 2025

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2025, I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the First Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

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