

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DEIVIS ALEXI GUZMAN CRUZ

Petitioner,

v.

KRISTI NOEM, et al.

Respondents.

Case No: 1:25-CV-2256-PX

**PETITIONER'S MOTION TO
HOLD PETITION IN ABEYANCE**

PETITIONER'S MOTION TO HOLD PETITION IN ABEYANCE

Petitioner Deivis Alexi Guzman Cruz ("Mr. Guzman") moves this Court, as an alternative to Respondent's Motion to Dismiss, to hold the instant petition in abeyance while Mr. Guzman petitions the Fourth Circuit Court of Appeals for review of the reinstated order of removal.

Respondents maintain that 8 U.S.C. § 1252(a)(5) "makes clear [that] habeas challenges to a final order of removal must be presented to the appropriate federal court of appeals." ECF 10-1 at 3. "Habeas, constitutional, and other challenges to removal orders—including reinstated ones—must be judicially reviewed by federal courts of appeals rather than district courts." *Id.* at 6-7. Respondents further rely on cases as part of their arguments regarding 8 U.S.C. § 1252(g) that for constitutional violations, the proper venue is a court of appeals. *See* ECF 10-1 at 9 (citing *Mendez-Tapia v. Sonchick*, 998 F.Supp. 1105, 1107 (D. Az. 1998)).

For the reasons outlined in his Response, Mr. Guzman disagrees. *See* Resp. Opp., ECF 11. Moreover, many of the cases offered by Respondents are unpublished and deal with judicial review of a denied stay of removal, which directly implicates the decision to reinstate an order of removal. Therefore, the Court should exercise jurisdiction over the Petition and grant appropriate relief.

However, to clarify the appropriate venue, this Court can hold this matter in abeyance for Mr. Guzman to pursue a petition for review with the Fourth Circuit Court of Appeals. This may preserve judicial resources and ensure clarity of the Court's jurisdiction over the petition. Undersigned counsel reached out to Thomas Corcoran and Matthew Shea to confer on this motion, but as of the time of filing have not received a response.

Accordingly, as an alternative, this Court should hold the petition in abeyance while Mr. Guzman pursues review with the Fourth Circuit Court of Appeals as contemplated by Respondents.

Respectfully submitted,

/s/ Joseph Moravec
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