

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-CV-23665-JB

PEDRO BELLO-RUBIO *et al.*,

Plaintiff,

v.

KRISTI NOEM, in her official
Capacity as the Secretary of
Homeland Security, *et al.*,

Defendants.

**OPPOSED MOTION TO STAY PROCEEDINGS PENDING A DECISION
BY THE ELEVENTH CIRCUIT COURT OF APPEALS IN THE
CONSOLIDATED CASES OF *CASTILLO-CASANOVA V. U.S. ATT'Y
GENERAL* AND *LABRADA- HECHAVARRIA V. U.S. ATT'Y GENERAL***

Kristi Noem, Secretary of Homeland Security, *et al.*, (“Defendants”), by and through the undersigned counsel, respectfully requests the Court stay this proceeding until the Eleventh Circuit Court of Appeals issues a decision in the consolidated cases of *Labrada-Hechavarria v. U.S. Att’y Gen.*, No. 23-13664 (11th Cir. filed Nov. 3, 2023) and *Castillo-Casanova v. U.S. Att’y Gen.*, No. 24-10645 (11th Cir. filed Mar. 1, 2024), which raises the same issue before this Court: whether Cuban nationals, subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and released with a release on recognizance under 8 U.S.C. § 1226(a), are entitled to humanitarian parole under 8 U.S.C. § 1182(d)(5)(A), which is the sole avenue for release from detention for those subject to mandatory detention.

I. BACKGROUND

On September 10, 2025, nine-hundred and ninety-two (992) plaintiffs (“Plaintiffs”) filed a putative First Amended Class Action Petition for Writ of Habeas Corpus and Complaint for

Declaratory and Injunctive Relief (“Amended Complaint”), which raises a central question: whether Plaintiffs, who were subject to mandatory detention under § 1225(b)(2)(A), and released with a conditional parole, § 1225(b)(2)(A), are entitled to humanitarian parole, § 1182(d)(5)(A), since humanitarian parole, and not conditional parole, is the only lawful avenue for release.¹ See (ECF No. 22 at ¶¶ 114-115).

On October 14, 2025, Plaintiffs filed their Motion for Class Certification and Appointment of Class Counsel (ECF No. 24) and Motion for Order to Show Cause and For Enlarged Page Limits (ECF No. 25).

However, on December 12, 2025, oral argument is scheduled on this same issue, which is before the Eleventh Circuit Court of Appeals in the consolidated cases of *Labrada-Hechavarria v. U.S. Att’y Gen.*, and *Castillo-Casanova v. U.S. Att’y Gen.* See Exhibit A, Respondent’s Supplemental Authority, Rule (28)j Letter; Exhibit B (*Labrada-Hechavarria* Docket, at Doc. 41); Exhibit C, (*Castillo-Casanova v. U.S. Att’y Gen.* Docket, at Doc. 39).

II. ARGUMENT

“District courts enjoy broad discretion in deciding how to best manage the cases before them.” *Skuraskis v. NationsBenefits Holdings, LLC*, 717 F. Supp. 3d 1221, 1228 (S.D. Fla. 2023) (citing *Johnson v. Bd. of Regents of Univ. of Ga.*, 263 F.3d 1234, 1269 (11th Cir. 2001)). A stay of the entire case may be appropriate “to await a federal appellate decision that is likely to have a substantial or controlling effect on the claims and issues in the stayed case.” *Miccosukee Tribe of Indians of Fla. v. S. Fla. Water Mgmt. Dist.*, 559 F.3d 1191, 1198 (11th Cir. 2009).

¹ Defendants’ deadline to file a responsive pleading to the First Amended Complaint is October 20, 2025.

Defendants maintain that the Court should exercise its discretion to stay the proceeding pending a decision by the Eleventh Circuit in *Labrada-Hechavarria v. U.S. Att'y Gen.* and *Castillo-Casanova v. U.S. Att'y Gen.* because those cases involve similarly situated Cuban nationals, subject to mandatory detention, released with an order of recognizance, that argue they should have instead received humanitarian parole. It is clear from the appellate record that this issue is before the Eleventh Circuit:

DHS's release of Petitioners on their own recognizance under 8 U.S.C. § 1226(a) does not constitute a grant of parole, which has different criteria for consideration and legal consequences than a release on recognizance....Petitioners benefited from DHS's prior decision in this case to release them, and the Court should reject their attempt to claim a further windfall that would exceed the contemplation of the law. In short, because Petitioners were never granted parole, they remain ineligible to adjust status under the Cuban Refugee Adjustment Act.

Exhibit A at 1-2; *See also* Exhibit B at Doc. 31; Exhibit C at Doc. 33.

Thus, the Eleventh Circuit's decision will likely have a substantial or controlling effect on the underlying proceeding, even possibly mooted out the putative class action complaint. A stay will conserve judicial resources of the Court, especially with respect to the pending putative class action complaint with almost 1,000 named Plaintiffs and pending related motions.

Therefore, Defendants respectfully request the Court grant the opposed motion to stay proceedings pending a decision by the Eleventh Circuit Court of Appeals in the consolidated cases of *Castillo-Casanova v. U.S. Att'y General* and *Labrada-Hechavarria v. U.S. Att'y General*.

Respectfully submitted,

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