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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

SINA ESMAELI #   
Petitioner

CIVIL DOCKET NO. 1:25-CV-01211  
SEC P

VERSUS

JUDGE DRELL

PAMELA BONDI ET AL.,  
Respondent

MAGISTRATE JUDGE PEREZ-MONTES

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**REPORT AND RECOMMENDATION**

Before the Court is a Motion to Stay Removal (ECF No. 4) and deficient habeas Petition (ECF No. 1) filed by pro se Petitioner Sina Esmaeli (“Esmaeli”). Esmaeli is detained at Winn Correctional Center (“WCC”) in Winnfield, Louisiana.

Because the Court lacks jurisdiction, the Motion to Stay Removal (ECF No. 4) should be DENIED and the Petition (ECF No. 1) DISMISSED WITHOUT PREJUDICE.

**I. Background**

Esmaeli submitted a letter to the Court alleging that his removal order is invalid because the immigration judge was presented with fabricated documents. ECF No. 1. He asks that his removal order be revoked and a new hearing conducted.

*Id.*

Esmaeli’s letter was filed as a deficient Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. He was ordered to submit the claim on a court-approved

form and to pay the requisite filing fee or file an application for leave to proceed *in forma pauperis*. ECF No. 3.

Esmaeli also filed a Motion to Stay his removal based on the same “mistake and misconduct” by the immigration judge alleged in the deficient Petition. ECF No. 4.

## **II. Law and Analysis**

District courts lack jurisdiction to consider a request for stay of removal. *Olya v. Garite*, 25-CV-00083, 2025 WL 890180, at \*1 (W.D. Tex. 2025) (citing *Idokogi v. Ashcroft*, 66 F. App’x 526 (5th Cir. 2003) (per curiam); *see also Moreira v. Mukasey*, 509 F.3d 709, 712 (5th Cir. 2007)). They also lack jurisdiction to review the validity of a removal order. Pursuant to the Real ID Act, “a petition for review filed with an appropriate court of appeals . . . shall be the sole and exclusive means of judicial review of an order of removal. . . .” 8 U.S.C. § 1252(a)(5); *Shah v. Dir., Jackson Par. Correctional Ctr.*, 3:19-CV-1164, 2019 WL 4254139, at \*2 (W.D. La. 2019).

Accordingly, the Court lacks jurisdiction over Esmaeli’s request to stay his removal (ECF No. 4) and to overturn the removal order (ECF No. 1).

## **III. Conclusion**

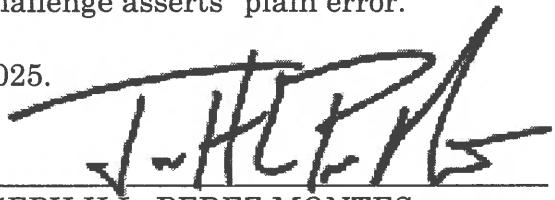
Because the Court lacks jurisdiction, IT IS RECOMMENDED that the Motion to Stay (ECF No. 4) be DENIED, and the Petition (ECF No. 1) be DISMISSED WITHOUT PREJUDICE.

Under 28 U.S.C. § 636(b)(1)(c) and Fed. R. Civ. P. 72(b), a party may file written objections to this Report and Recommendation within 14 days of service,

unless the Court grants an extension of time to file objections under Fed. R. Civ. P. 6(b). A party may also respond to another party's objections to this Report and Recommendation within 14 days of service of those objections, again unless the Court grants an extension of time to file a response to objections.

No other briefs may be filed without leave of court, which will only be granted for good cause. A party's failure to timely file written objections to this Report and Recommendation will bar a party from later challenging factual or legal conclusions adopted by the District Judge, except if the challenge asserts "plain error."

SIGNED on Monday, September 15, 2025.



JOSEPH H.L. PEREZ-MONTES  
UNITED STATES MAGISTRATE JUDGE