

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI, FLORIDA

CASE NO. 25-cv-62285-DSL

CESAR AUGUSTO MARTINEZ MONCADA,

Petitioner,

vs.

KRISTI NOEM, Secretary, U.S. Department of  
Homeland Security (DHS), *et al.*,  
*Defendants.*

JOINT MOTION TO STAY PROCEEDINGS

COMES NOW Petitioner, CESAR AUGUSTO MARTINEZ MONCADA, by and through the undersigned counsel, and Defendants KRISTI NOEM, *et al.*, by and through the undersigned Assistant United States Attorney, upon conferral pursuant to Local Rule 7.1, respectfully requests the Court stay this proceeding for fourteen (14) days, and in support thereof states as follows:

1. On November 12, 2025, Counsel filed Petitioner's Application/Petition for Writ of Habeas Corpus (hereinafter "the Petition") pursuant to 28 U.S.C. § 2241. [ECF No. 1].
2. On November 17, 2025, this Court entered an Order to Show Cause requiring a response to be filed on or before November 24, 2025. [ECF No. 4].



3. On November 18, 2025, Respondents Counsel, Assistant United States Attorney H. Ron Davidson, conferred with Plaintiff's counsel on certain facts ascertained in the Petition. Specifically, Mr. Davidson correctly pointed out that Petitioner was never detained in Alligator Alcatraz and that Petitioner was in fact issued an order of expedited removal in 2021.
4. The undersigned had relied in good faith on statements from Petitioner and his family when asserting that Petitioner had been detained at "Alligator Alcatraz" and had not been issued an order of expedited removal.
5. The above-referenced facts are material to the allegations presented in the Petition.
6. At this time, Plaintiff and undersigned have not been able to meet and confer with the Petitioner.
7. Accordingly, the undersigned requires additional time to confer with Petitioner who remains detained to verify the facts and determine how to proceed in amending the Petition.

Therefore, the Parties jointly and respectfully request that the Court stay the proceedings including this Court's Order to Show Cause for fourteen (14) days to allow counsel sufficient time to investigate the clarified facts and submit an amended Petition or otherwise advise the Court on how Petitioner intends to proceed.

Respectfully submitted,

s/ Eduardo R. Soto  
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**Counsel for Petitioner**

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**Counsel for Respondents**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 19, 2025, I electronically filed the foregoing document with the Clerk of Court using PACER. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties, either via transmission of Notices of Electronic Filing generated by PACER or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

Respectfully submitted,

s/ Eduardo R. Soto  
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**Attorney for Plaintiff**

November 19, 2025  
Date