

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

Hugo Sermeno Viscarra,	§	
	§	
Petitioner,	§	Case No. 4:25-cv-05882
	§	
v.	§	
	§	
Kristi Noem, <i>et al.</i> ,	§	
	§	
Respondents.	§	

**PETITIONER’S UNOPPOSED MOTION TO STAY**

Pursuant to Federal Rule of Civil Procedure (“FRCP”) 7, Petitioner files the present Motion to Stay these proceedings. Through this motion, Petitioner respectfully requests that the Court grant a stay so the Petitioner can seek relief with the Immigration Court considering the final judgment in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-1873, Dkt. No. 92 (C.D. Cal. Dec. 18, 2025). There are several immigration courts granting relief to individuals in similar situations as the Petitioner. If an immigration court does grant the Petitioner relief, then the issue at the crux of this case becomes moot.

The Court should exercise its discretion to grant this stay as the stakes of the present case are particularly high given the Petitioner’s ongoing detention. “A

district court has the inherent power to stay cases to control its docket and promote efficient use of judicial resources.” *Coker v. Select Energy Servs., LLC*, 161 F. Supp. 3d 492, 494–95 (S.D. Tex. 2015). A district court's inherent power to “control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants” includes the power to stay proceedings. *Landis v. N. Am. Co.*, 299 U.S. 248, 254, 57 S.Ct. 163, 81 L.Ed. 153 (1936). The decision is “ordinarily within the trial court’s wide discretion to control the course of litigation.” *See Dominguez v. Hartford Fin. Servs. Grp., Inc.*, 530 F. Supp. 2d 902, 905 (S.D. Tex. 2008).

Counsel for the Respondents does not oppose the present motion and would not be prejudiced by a stay; the hardship to the Petitioner, if the stay is denied, is high stakes given that it involves his prolonged detention; and a stay promotes judicial efficiency as it allows alternative redress directly from the Immigration Court based on developing case law. *See Wedgeworth v. Fireboard Corp.*, 706 F.2d 541, 545–46 (5th Cir. 1983)(stating factors to consider when a stay is appropriate are (1) hardship or prejudice to the moving party if a stay is denied; (2) prejudice to the non-moving party if a stay is granted; and (3) judicial inefficiency). In this case, the stay would not be indefinite as it takes approximately 3-4 weeks to have a bond hearing after the request is made.

WHEREFORE, premises considered, Petitioner respectfully PRAYS for this Court to stay this case to allow the Petitioner to seek relief outside this court in light of *Maldonado Bautista*.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Petitioner's Unopposed Motion to Stay** was duly served on opposing counsel via the Court's online CM/ECF system, on December 27, 2025.

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