

United States District Court
Western District of Texas
El Paso Division

Roberto Jose Jose,
Petitioner,

v.

Department of Homeland Security, *et al.*,
Respondents.

No. EP-26-CV-00007-DB

Federal Respondents' Opposed Motion to Lift the Stay of Removal

Federal Respondents move this Court to lift the stay of removal. On January 6, 2026, the Court ordered Respondents not to (1) remove or deport Petitioner from the United States, or (2) transfer Petitioner from any facility outside the boundaries of the El Paso Division of the Western District of Texas, until the Court orders otherwise. ECF No. 2 at 4.

Respondents have obtained the necessary permissions to remove Petitioner on January 6, 2026. *See* Exhibit A (Order of the Immigration Judge dated Jan. 5, 2026). However, this Court ordered a stay of removal which prevents ICE from executing the removal order. ECF No. 2 at 4. Respondents argue this stay of removal should be dissolved as this Court lacks jurisdiction to grant a stay of removal. *Imran v. Harper*, No. 25-30370 (5th Cir. 2026) (finding the district court lacked jurisdiction to grant a stay of removal as a stay of removal *is* a challenge to a removal order and federal courts lack jurisdiction over claims directly and immediately with a decision or action by the Attorney General to... execute removal orders (emphasis added); *see also Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (citing 8 U.S.C. § 1252(g)).

Federal Respondents, therefore, request to lift the stay of removal issued on January 6, 2026.

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: /s/ Barbara Falcón
Barbara Falcón
Assistant United States Attorney
Texas State Bar No. 24121619
601 Northwest Loop 410, Suite #600
San Antonio, Texas 78216
(210) 384-7300 (phone)
(210) 384-7312 (fax)
barbara.falcon@usdoj.gov

Attorneys for Federal Respondents

Certificate of Conference

The Respondents did not confer with Petitioner and thus files this Motion as opposed.

/s/ Barbara Falcón
Barbara Falcon
Assistant United States Attorney

