

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

FILED

FEB 03 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 1905
DEPUTY CLERK

MIGUEL ANGEL OLIVERO LABORDA,

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Petitioner, Pro Se,

v.

RENALDO CASTRO, Warden, et al.,

Respondents.

Civil Action No.: 5:26-cv-00042

**EMERGENCY MOTION FOR TEMPORARY STAY OF REMOVAL AND PRESERVATION
OF HABEAS JURISDICTION**

Petitioner respectfully moves for a **temporary stay of removal** to preserve this Court's jurisdiction and Petitioner's ability to obtain meaningful habeas relief.

STATUTORY AND CONSTITUTIONAL BASIS

1. Jurisdiction lies under **28 U.S.C. § 2241**.
2. This Court has inherent authority to issue orders necessary to **preserve jurisdiction** and prevent actions that would moot a pending habeas petition.
3. Removal during the pendency of a habeas action constitutes **irreparable harm** and deprives the Court of effective remedial power.
4. The Fifth Amendment requires that any waiver of rights be **knowing, voluntary, and intelligent**, particularly where language barriers exist.

FACTUAL BASIS

5. Petitioner has a **pending federal habeas corpus petition** and a **pending BIA appeal**, both timely filed.
6. While this Court's service order remained in effect, Petitioner was taken to **Room 107** and asked to place a **fingerprint** on a document bearing his photograph.
7. Petitioner is a **Spanish-speaking native**. No certified interpreter was provided. An ICE officer whose primary language is English attempted to explain the request in **limited Spanish**, acting as the interpreter.
8. The officer represented that the fingerprint was required only to correct an internal detention identification badge and was **not related to removal or voluntary departure**.
9. Petitioner asked multiple times whether the request related to removal proceedings and was repeatedly reassured that it did not.
10. The officer **did not translate the full document**. Petitioner relied on the officer's representations and placed his fingerprint on the document.
11. Petitioner **did not sign, did not consent to removal, and does not seek voluntary departure**.
12. Removal under these circumstances would unlawfully moot this Court's jurisdiction and violate Petitioner's due-process rights.

REQUEST FOR RELIEF

Petitioner respectfully requests that the Court:

- A. Issue a **temporary stay of removal** pending resolution of this habeas action;
- B. Enjoin Respondents from removing or transferring Petitioner without prior notice to the Court; and
- C. Grant such further relief as necessary to preserve jurisdiction.

Respectfully submitted,

Miguel Angel Olivero Laborda

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South Texas ICE Processing Center

566 Veterans Drive

Pearsall, Texas 78061

Petitioner, Pro Se

Date: January 28, 2026