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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

MARCOS JOSE BARBOZA-VALLENILLA,
Petitioner,

v.

**WARDEN, BAKER COUNTY DETENTION CENTER;
WARDEN, PORT ISABEL DETENTION CENTER;
DIRECTOR, ICE ERO MIAMI FIELD OFFICE;
SECRETARY, DEPARTMENT OF HOMELAND SECURITY;
ATTORNEY GENERAL OF THE UNITED STATES,**
Respondents.

Case No.: 3:26-cv-144-JEP-PDB

**EMERGENCY MOTION FOR TEMPORARY STAY OF REMOVAL AND TO PRESERVE
JURISDICTION**

Petitioner Marcos Jose Barboza-Vallenilla, by and through his wife Osmay C. Pirela Simancas as next friend, respectfully moves this Court for a temporary and narrowly tailored stay of removal to prevent his imminent removal to Venezuela in direct violation of an existing deferral of removal under the Convention Against Torture ("CAT"), and to preserve this Court's jurisdiction while Respondents respond to the Court's Order to Show Cause.

I. EMERGENCY NATURE OF THIS MOTION

1. Petitioner has been granted deferral of removal under Article III of the Convention Against Torture, which categorically prohibits his removal to Venezuela, where an Immigration Judge found he faces a likelihood of torture based on political reasons.
2. On information and belief, ICE transferred Petitioner overnight, and he now appears detained at the Port Isabel Detention Center in Texas, a facility commonly used for removal staging.
3. Since this transfer, Petitioner has been rendered incommunicado. He has been unable to contact his wife, access legal materials, prepare pleadings, or communicate with the Court.
4. Removal in violation of CAT would cause irreparable harm and permanently deprive this Court of the ability to adjudicate Petitioner's pending habeas petition and Order to Show Cause.

II. JURISDICTION AND AUTHORITY

5. This Court has jurisdiction under 28 U.S.C. § 2241 to adjudicate Petitioner's habeas petition and to issue temporary relief necessary to prevent unlawful executive action and preserve its jurisdiction.

6. The Court has already exercised jurisdiction in this matter and ordered Respondents to show cause why the Petition should not be granted. (Doc. 2).

III. LIKELIHOOD OF SUCCESS ON THE MERITS

7. Petitioner's CAT deferral remains valid and has not been terminated through any lawful procedure.

8. Removal to Venezuela while CAT protection remains in effect would be unlawful as a matter of law and contrary to binding treaty obligations and federal regulations.

IV. IRREPARABLE HARM, BALANCE OF EQUITIES, AND PUBLIC INTEREST

9. Removal in violation of CAT constitutes irreparable harm per se. Once removed, the Court would be powerless to remedy the violation.

10. The balance of equities favors maintaining the status quo for a brief period while Respondents comply with the Court's Order to Show Cause.

11. The public interest is served by ensuring that the government complies with binding court orders, federal law, and international treaty obligations.

V. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that the Court:

A. Temporarily stay Petitioner's removal to Venezuela; B. Order Respondents to refrain from transferring Petitioner for removal purposes pending further order of the Court; and C. Grant such other limited and temporary relief as necessary solely to preserve the Court's jurisdiction.

This motion seeks no ruling on the merits of the habeas petition and no release from custody.

Respectfully submitted,

Osmary C. Pirela
Osmary C. Pirela Simancas

WIFE Next Friend to Petitioner, Pro Se