

ALEC S. BRACKEN (USB 17178)
CONTIGO LAW
PO BOX 249
Midvale, Utah 84047
Phone: 801-980-9430
Email: alec@contigo.law
Attorney for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

Mariela Chino Moreno, et al.,

Petitioners

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security,

TODD LYONS, in his official capacity as
Acting Director of Immigration and Customs
Enforcement,

EVAN TJADEN, in his official capacity as
Acting ICE Field Deputy Officer Director and
warden over Respondents,

United States Immigration and Customs
Enforcement.

Respondents

Civil No.: 1:26-cv-00014-HCN

UNOPPOSED MOTION FOR STAY OF
REMOVAL PENDING ADJUDICATION OF
THE HABEAS PETITION

IMMIGRATION HABEAS CASE

1 Petitioners, through undersigned counsel, respectfully move this Court for an order staying their
2 removal from the United States pending resolution of the Verified Petition for Habeas Corpus and
3 Declaratory Action (ECF No. 1). This motion is unopposed.

4 **1. Procedural Background**

5 On February 20, 2026, the Court issued a Docket Text Order striking prior deadlines and
6 directing proper service under Federal Rule of Civil Procedure 4. The Court further stated:
7

8 “In accordance with communications from the United States Attorney’s Office and counsel for
9 Petitioners, the court will entertain an unopposed motion requiring that the Petitioners not be removed
10 from the United States until this Petition is resolved.”
11

12 Petitioners now respectfully submit this motion pursuant to that directive.

13 **2. Basis for Stay**

14 This case challenges the legality of Petitioners’ ongoing custody-like restraints and the
15 government’s authority to execute their removal orders notwithstanding unrevoked grants of deferred
16 action tied to bona fide U-visa petitions. *See* Verified Petition (ECF No. 1).
17

18 Absent a stay, Respondents may execute Petitioners’ removal orders before this Court
19 adjudicates the legality of the challenged enforcement actions. Removal would:

- 20 • Moot the habeas petition or severely impair this Court’s jurisdiction;
21 • Irreparably harm Petitioners by separating them from their pending humanitarian relief;
22 • Undermine the statutory framework governing U-visa protections and deferred action;
23 • Prevent meaningful judicial review of the custody and ultra vires claims raised under 28 U.S.C.
24 § 2241.
25

26 The Supreme Court has long recognized that federal courts possess authority to preserve their
27 jurisdiction and the availability of effective habeas relief. *See* 28 U.S.C. § 2241; 28 U.S.C. § 1651(a).
28

1 A stay of removal is appropriate to maintain the status quo while the Court determines whether the
2 ongoing supervision and threatened removal are lawful.

3 Because the government does not oppose this request, and because the Court expressly invited
4 this motion, entry of a stay will preserve judicial review without prejudice to Respondents.

5
6 **3. Scope of Requested Relief**

7 Petitioners respectfully request an order:

- 8 1. Prohibiting Respondents, their officers, agents, employees, and all persons acting in concert
9 with them from removing Petitioners from the United States;
10
11 2. Maintaining Petitioners' presence in the United States pending final resolution of the Petition
12 for Habeas Corpus (ECF No. 1); and
13
14 3. Granting such other relief as the Court deems just and proper.

15 **WHEREFORE, Petitioners respectfully request that the Court enter an order staying**
16 **removal pending resolution of this habeas action.**

17 DATED: February 5, 2026

18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

/S/ ALEC S. BRACKEN
Alec S. Bracken (UT SBN 17178)
Contigo Law
P.O. Box 249
Midvale, UT 84047
Tel. (801) 676-6548
Email: alec@contigo.law