

FILED BY <u>NK</u> D.C.
FEB 24 2026
ANGELA E. NOBLE CLERK U.S. DIST. CT. S. D. OF FLA. - FT. LAUD.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

JULIO SÁNCHEZ PUPO,

A 

Petitioner,

v.

KRISTI NOEM, Secretary of Homeland Security;  
MERRICK B. GARLAND, Attorney General of the United States;  
U.S. DEPARTMENT OF HOMELAND SECURITY (DHS);  
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);  
WARDEN, BROWARD TRANSITIONAL CENTER,  
Respondents.

**EMERGENCY MOTION FOR STAY OF REMOVAL  
(INDEPENDENT – ULTRA MEGA – 28 U.S.C. § 2241)**

Petitioner Julio Sánchez Pupo, by and through his Next Friend, Marielis Caballero Caballero, respectfully moves this Honorable Court for an Emergency Stay of Removal to preserve this Court's jurisdiction and prevent irreparable harm while his Petition for Writ of Habeas Corpus and related motions are pending.

**I. JURISDICTION AND AUTHORITY**

This Court has authority to issue a Stay of Removal pursuant to 28 U.S.C. § 2241, the Suspension Clause of the United States Constitution, the All Writs Act, 28 U.S.C. § 1651, and the Court's inherent authority to preserve its jurisdiction. See *Nken v. Holder*, 556 U.S. 418 (2009); *Boumediene v. Bush*, 553 U.S. 723 (2008).

**II. FACTUAL BASIS**

Petitioner is a Cuban national with a pending Form I-485 under the Cuban Adjustment Act, who was lawfully paroled into the United States after passing a credible fear process. He has no serious criminal history and poses no danger to the community. Petitioner was arrested without a warrant or probable cause and remains detained at Broward Transitional Center under conditions that violate due process.

### III. LEGAL STANDARD

In determining whether to grant a stay, courts consider: (1) likelihood of success on the merits; (2) irreparable harm absent a stay; (3) balance of equities; and (4) the public interest. See *Nken v. Holder*, 556 U.S. 418 (2009).

### IV. ARGUMENT

A. Likelihood of Success on the Merits. Petitioner has demonstrated substantial likelihood of success on his habeas claims, including unlawful seizure, arbitrary and punitive detention, unconstitutional conditions of confinement, and denial of medical care.

B. Irreparable Harm. Removal, transfer, or third-country deportation would cause irreparable harm, including permanent separation from family, exposure to persecution in Cuba, and loss of this Court's jurisdiction.

C. Balance of Equities. A stay imposes minimal burden on Respondents while preventing catastrophic harm to Petitioner.

D. Public Interest. The public interest favors preservation of constitutional rights and meaningful judicial review.

### V. REQUEST FOR RELIEF

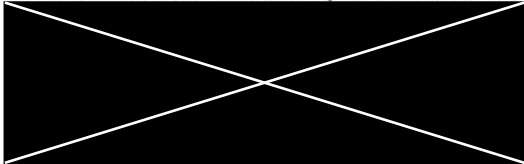
WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue an immediate Stay of Removal;
2. Prohibit Respondents from removing Petitioner from the United States;
3. Prohibit removal to any third country;
4. Maintain the Stay until final adjudication of this case; and
5. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

**Marielis Caballero Caballero**

Next Friend for Petitioner Julio Sánchez Pupo



Signature: \_\_\_\_\_

Date: 02/20/2026