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7 Attorneys for Respondents

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 ROBERTO ZACARIAS HERNANDEZ,

11 Petitioner,

12 v.

13 WARDEN, *Otay Mesa Detention Center,*
14 *et al.,*

Respondents.

Case No.: 26-cv-01448-DMS-JLB

**EX PARTE MOTION TO VACATE
COURT'S ORDER AND LIFT STAY
OF REMOVAL/TRANSFER**

1 In its March 12, 2026 Order, ECF No. 3, the Court ordered, *inter alia*,
2 Respondents' to respond to the Petition and enjoined Respondents' from transferring
3 Petitioner outside the Southern District of California pending the Court's resolution of
4 this matter. Respondents' timely filed a return to the Petition on March 19, 2026, and
5 the Court has not yet ruled on the Petition. ECF No. 5.

6 Respondents now request that the Court vacate its prior order and lift the stay of
7 Petitioner's transfer outside the Southern District of California so that Immigrations and
8 Customs Enforcement (ICE) may effectuate Petitioner's removal to Guatemala. On
9 April 2, 2026, with the assistance of immigration counsel, Petitioner withdrew his
10 applications for relief from removal, requested a removal order, and waived appeal. *See*
11 Exhibit 1 (Immigration Judge Order). The undersigned has been informed by ICE that
12 because Guatemala does not require a travel document, and Enforcement and Removal
13 Operations (ERO) possesses the required ID necessary to effectuate removal to
14 Guatemala, Petitioner's removal is imminent. Accordingly, Respondents respectfully
15 move this Court to vacate its prior order staying Petitioner's removal/transfer outside
16 the Southern District of California, to allow ICE to effectuate Petitioner's removal to
17 Guatemala consistent with Petitioner's desire to be removed. *Id.* at 1.

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19 DATED: April 9, 2026

20 Respectfully submitted,

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22 ADAM GORDON
23 United States Attorney

24 *s/ Hunter V. Norton*
25 HUNTER V. NORTON
26 Assistant United States Attorney
27 Attorney for Respondents
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