

2:26-cv-716-SPC-NPM

EMERGENCY MOTION TO STAY REMOVAL

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANDY POZO SANCHEZ
Petitioner,

v.

WARDEN, GLADES DETENTION CENTER;
FIELD OFFICE DIRECTOR, MIAMI FIELD OFFICE, ICE;
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY,
Respondents.

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FILED - USDC - FLMD - FTM

EMERGENCY MOTION FOR TEMPORARY ADMINISTRATIVE STAY OF REMOVAL

PENDING RESOLUTION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully moves this Court for an emergency stay of removal pending adjudication of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. §2241.

Petitioner requests that the Court issue an immediate **temporary administrative stay of removal** to preserve the status quo while the Court considers this motion.

INTRODUCTION

Petitioner is currently detained at the Glades County Detention Center in Moore Haven, Florida.

On March 3, 2026, an Immigration Judge issued a removal order. Petitioner is pursuing legal remedies and has filed a Petition for Writ of Habeas Corpus challenging the legality of his continued detention.

Without immediate relief, Petitioner may be removed before this Court has the opportunity to review the habeas petition, thereby extinguishing the Court's jurisdiction and preventing meaningful judicial review.

A temporary stay is therefore necessary to preserve the Court's authority to adjudicate the constitutional claims presented.

LEGAL STANDARD

Courts consider four factors when determining whether to grant a stay of removal:

1. Likelihood of success on the merits
2. Irreparable harm absent a stay
3. Balance of equities
4. Public interest

ARGUMENT

A. Likelihood of Success on the Merits

Petitioner has raised substantial constitutional claims in the habeas petition regarding the legality of his prolonged immigration detention.

Petitioner entered the United States under lawful parole and has a pending adjustment application under the Cuban Adjustment Act, providing a statutory pathway to lawful permanent residence.

USCIS granted Petitioner employment authorization valid for five years, demonstrating the government's recognition that Petitioner's presence in the United States is authorized while the adjustment application remains pending.

Petitioner has no history of violence, has maintained employment, and has strong family ties in the United States.

These circumstances support Petitioner's claim that continued detention without individualized justification violates due process protections under the Fifth Amendment.

B. Irreparable Harm

If Petitioner is removed from the United States before this court adjudicates the pending Petition for Writ of Habeas Corpus, the Court will effectively lose jurisdiction to review the legality of Petitioner's detention. Removal would render the habeas petition moot and prevent meaningful judicial review of the constitutional claims presented.

C. Balance of Equities

Petitioner poses no danger to the community and has demonstrated significant ties to the United States, including family relationships, employment history, and compliance with immigration requirements.

D. Public Interest

The public interest favors ensuring that constitutional protections are respected in immigration detention proceedings and that courts retain the ability to review claims alleging unlawful detention.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court:

1. Issue an immediate temporary administrative stay of removal;
2. Stay Petitioner's removal pending adjudication of the Petition for Writ of Habeas Corpus; and
3. Grant any additional relief the Court deems appropriate.

Respectfully submitted,



Andy Pozo Sanchez

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Petition for Writ of Habeas Corpus and Emergency Motion to Stay Removal was served by U.S. mail on the following:

United States Attorney
Middle District of Florida
Fort Myers Division
2110 First Street, Suite 7-500
Fort Myers, FL 33901

and

Field Office Director
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
Miami Field Office
333 S. Miami Avenue, Suite 700
Miami, FL 33130

Executed on this 10 day of MARCH, 2026.



Andy Pozo Sanchez
Petitioner, Pro Se