

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF GEORGIA COLUMBUS DIVISION

YEAN MARCOS SOTO LUGO,
Petitioner,

v.

WARDEN, STEWART DETENTION CENTER, et al.,
Respondents.

EMERGENCY MOTION FOR STAY OF REMOVAL AND ORDER OF RETURN IF REMOVED

Petitioner, by and through his Next Friend, respectfully moves this Honorable Court for an Emergency Stay of Removal and an Order requiring the Government to return Petitioner to the United States in the event of removal during the pendency of this Habeas action.

I. INTRODUCTION

This Motion seeks urgent intervention to preserve this Court's jurisdiction and prevent irreparable harm. Petitioner faces an imminent risk of removal or transfer without notice, which would nullify the Court's ability to grant effective relief and cause permanent and irreversible damage.

II. FACTUAL BACKGROUND

Petitioner Yean Marcos Soto Lugo was detained on December 4, 2025, after voluntarily appearing for a scheduled ICE check-in. He was taken into custody without a warrant, without probable cause, and without any individualized justification.

Petitioner has an active asylum case and has demonstrated full compliance with immigration proceedings. Despite this, he was denied a meaningful bond hearing.

Conditions of confinement have been severe:

- Exposure to spoiled and insufficient food
- Denial of medical care
- Verbal abuse with racial and xenophobic undertones
- Psychological deterioration, including depression and anxiety
- Significant weight loss

Petitioner has a well-founded fear that Respondents may remove him from the United States or transfer him without notice to evade judicial review.

III. LEGAL STANDARD

Federal courts possess authority under 28 U.S.C. § 2241 and the All Writs Act, 28 U.S.C. § 1651(a), to issue orders necessary to preserve jurisdiction.

See *Nken v. Holder*, 556 U.S. 418 (2009);
Devitri v. Cronen, 289 F. Supp. 3d 287 (D. Mass. 2018).

IV. ARGUMENT

A. PRESERVATION OF JURISDICTION

Removal of Petitioner would effectively strip this Court of jurisdiction and render the Habeas Petition moot.

B. IRREPARABLE HARM

Removal would expose Petitioner to significant danger and permanently deprive him of constitutional protections.

C. LIKELIHOOD OF SUCCESS

Petitioner's underlying Habeas Petition raises substantial constitutional claims regarding unlawful detention and due process violations.

D. BALANCE OF EQUITIES

The harm to Petitioner outweighs any administrative burden on Respondents.

E. PUBLIC INTEREST

The public interest strongly favors preserving access to judicial review and ensuring constitutional compliance.

F. ORDER OF RETURN

Courts have authority to order the return of individuals unlawfully removed in order to restore jurisdiction and remedy violations.

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 transfer designed to evade jurisdiction;
4. Order that, if Petitioner is removed, Respondents must immediately facilitate his return to the United States;
5. Require Respondents to bear all costs associated with return;
6. Grant any further relief deemed just and proper.

~~Respectfully submitted,~~



Keyla Genao Castillo

Next Friend