

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LESBI NOHEMI)
MARTINEZ-MARTINEZ)
Plaintiff,)
v.)
U.S. IMMIGRATION AND CUSTOMS)
ENFORCEMENT, et al.,)
Defendants.)

Civil Action No. 18-2231 (PLF)

MEMORANDUM OPINION AND ORDER

Plaintiff Lesbi Nohemi Martinez-Martinez and her fifteen-year-old sister, Y.M., were forcibly separated by border officials shortly after the two of them crossed the United States border with Mexico to pursue asylum. Plaintiff’s application for asylum was subsequently denied and she is expected to be removed from the United States in the near future. On September 26, 2018, plaintiff brought suit against defendants – various federal agencies and officials responsible for enforcing immigration laws – and moved for a preliminary injunction requiring defendants to stay her removal and to provide certain immigration relief. The Court held a preliminary injunction hearing on October 15, 2018. Following the hearing, defendants voluntarily agreed to stay plaintiff’s removal from the country until today, December 4, 2018. The parties have advised the Court in separate status reports filed today that defendants are unwilling to voluntarily extend the stay of removal.

The matter is before the Court on plaintiff's emergency motion [Dkt. No. 14] to extend the stay of removal and to stay this action. The Court held a hearing on the emergency motion on November 30, 2018. Upon careful consideration of the parties' submissions and the arguments of counsel at the hearing on November 30, 2018, the Court finds it appropriate at this stage to grant the requested stay of removal in view of the imminent harm likely to befall plaintiff if she is removed from the country before the Court has an opportunity to rule on her preliminary injunction motion. See Mem. Op. & Order, M.G.U. v. Nielsen, No. 18-1458 (D.D.C. July 16, 2018); Mem. Op. & Order, Montufar-Mejia v. U.S. Immigration & Customs Enf't, No. 18-2131 (D.D.C. Sept. 13, 2018). Furthermore, given that plaintiff has chosen to pursue her claims in this Court rather than before Judge Dana M. Sabraw in the U.S. District Court for the Southern District of California, her request to stay this action in its entirety is denied as moot.¹ Accordingly, it is hereby

ORDERED that plaintiff's emergency motion [Dkt. No. 14] to extend the stay of removal and to stay this action is GRANTED IN PART and DENIED IN PART; it is

FURTHER ORDERED that defendants and their officers, agents, servants, employees, attorneys, and all those who are in active concert or participation with them are prohibited from removing plaintiff Lesbi Nohemi Martinez-Martinez from the United States pending a ruling by this Court on her motion [Dkt. No. 2] for a preliminary injunction; it is

FURTHER ORDERED that defendants shall appear for a supplemental hearing on plaintiff's motion [Dkt. No. 2] for a preliminary injunction on December 14, 2018 at 10:00

¹ Because defendants are unwilling to extend the stay of removal currently in place, the Court is unable to grant their request for additional time to respond to plaintiff's emergency motion to stay removal. Doing so would expose plaintiff to the possibility of removal before her emergency motion to stay removal is fully briefed. In any event, defendants made an oral presentation to the Court at the hearing on November 30, 2018 and the Court is familiar with their objections to the requested stay of removal.

a.m. Supplemental briefing shall conclude on or before December 12, 2018. The parties are directed to meet and confer and propose a revised briefing schedule; and it is

FURTHER ORDERED that plaintiff's request to stay this action is DENIED AS MOOT.

SO ORDERED.

/s/

PAUL L. FRIEDMAN
United States District Judge

DATE: December 4, 2018