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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Dilma Leticia Salguero-Morales,

Petitioner,

vs.

Janet Napolitano, et al.,

Respondents.

No. CV 09-0194-PHX-MHM (JRI)

TEMPORARY STAY OF REMOVAL

Yesterday, September 18, 2009, Petitioner filed a Motion for Injunctive Relief (Emergency Temporary Restraining Order) seeking an immediate stay of removal. (Doc. #32.) A few hours later, Respondents filed a Response in Opposition to Petitioner’s Motion for Injunctive Relief (Emergency Temporary Restraining Order). (Doc. #33.) In their Response, Respondents do not say when Petitioner will be removed from the United States, but they reaffirm that “Petitioner’s removal remains imminent.” (Doc. #33, at 12 n.3.) The Court is, therefore, concerned that Petitioner may be removed before the Court has time to assess the merits of the parties’ arguments. Accordingly, the Court will grant a temporary stay of removal to give the Court time to consider the parties’ papers. Cf. Nken v. Holder, 129 S. Ct. 1749, 1757 (2009) (“A reviewing court must bring considered judgment to bear on the matter before it, but that cannot always be done quickly enough to afford relief to the party aggrieved by the order under review. The choice for a reviewing court should not be between justice on the fly or participation in what may be an ‘idle ceremony’.”); DeLeon v.

1 INS, 115 F.3d 643 (9th Cir. 1997) (granting a temporary stay of removal pending the court's
2 consideration of the merits of the petitioner's motion for stay of removal).

3 **IT IS THEREFORE ORDERED:**

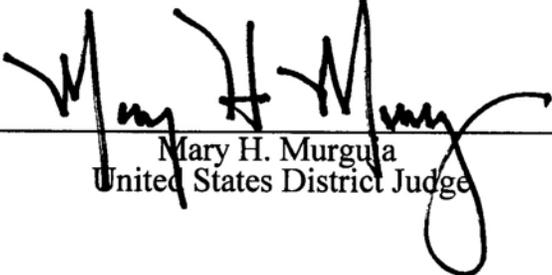
4 (1) That the reference of Petitioner's Motion for Injunctive Relief (Emergency
5 Temporary Restraining Order) (Doc. #32) to Magistrate Judge Jay R. Irwin is **withdrawn**.
6 All other matters remain with the Magistrate Judge for disposition as appropriate.

7 (2) That a temporary stay of removal is **granted** to the extent that Respondents are
8 enjoined from removing Petitioner Dilma Leticia Salguero-Morales (A074-422-045) from
9 the United States pending further order of the Court.

10 (3) That the Clerk of Court shall forthwith fax a copy of this Order to the United
11 States Attorney for the District of Arizona, to the attention of Cynthia Parsons at (602) 514-
12 7760, and to District Counsel Patricia Vroom at (602) 379-3845.

13 DATED this 18th day of September, 2009.

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Mary H. Murgula
United States District Judge