

1 UNITED STATES DISTRICT COURT  
 2 Northern District of California

3  
 4 LUCAS ANTONIO ROQUE,

No. C 10-3242 MEJ

5 Plaintiff,

6 v.

**ORDER REQUESTING FURTHER  
 BRIEFING**

7 EMILIA BARDINI, et al.,

8 Defendants.  
 \_\_\_\_\_

9  
 10 Before the Court is Plaintiff Lucas Roque's Emergency Motion for Administrative Relief,  
 11 filed August 27, 2010. (Dkt. #6.) In his motion, Plaintiff requests that the Court stay the execution  
 12 of a February 14, 1989 deportation order against him. Defendants have filed an Opposition, (Dkt.  
 13 #10), to which Plaintiff has filed a Reply (Dkt. #13.) Upon review of the parties' submissions, the  
 14 Court finds that further briefing is appropriate prior to issuing a decision. Specifically, in their  
 15 opposition, Defendants argue that the Court has no authority to stay a deportation order. In support  
 16 of this argument, Defendants cite to *De Leon v. Napolitano*, 2009 WL 4823358, at \*3 (N.D. Cal.  
 17 2009). However, in *De Leon*, the Honorable James Ware granted the plaintiff's motion for stay of  
 18 execution of removal order, in order to allow him to rule on the merits of the plaintiff's claims. *De*  
 19 *Leon v. Napolitano*, C-09-3664 JW, Dkt. #8 at 2:4-5. Accordingly, the Court ORDERS Defendants  
 20 to show why the undersigned should not grant Plaintiff's motion in order to allow the Court to rule  
 21 on the merits of Petitioner's claims. Defendants shall file a response to this Order by September 2,  
 22 2010 at 3:00 p.m., and Plaintiff may file any reply by September 3, 2010 at 12:00 p.m.

23 **IT IS SO ORDERED.**

24  
 25 Dated: September 1, 2010

26   
 27 \_\_\_\_\_  
 28 Maria-Elena James  
 Chief United States Magistrate Judge