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7	UNITED STATES DISTRICT COURT	
8	SOUTHERN DISTRICT OF CALIFORNIA	
9)	
10	CARLOS ARGUETA,	CASE NO. 14cv1009 WQH (JLB)
11	vs.	(JED) ORDER
12	ERIC H. HOLDER, Attorney General,	ORDER
13	Respondent.	
14	HAYES, Judge:	
15	On April 18, 2014, Petitioner Carlos Argueta, proceeding pro se, filed a Motion	
16	for Emergency Stay of Removal. ¹ (ECF No. 1). Petitioner also filed an application to	
17	proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). (ECF No. 2).	
18	On April 24, 2014, Respondent filed the Response to Motion for Stay of Removal	
19	and routed of intent to Encourt routed of of of theory 7, 2011. (Eor root	
20) 3).	
21	Petitioner alleges that he was charged with "being a native and citizen of El	
22	Salvador who entered the United States without admission or parole" and is currently	
23	being detained by the Department of Homeland Security at the El Centro ICE	
24	Processing Center. (ECF No. 1 at 2). Petitioner alleges that he was "put on removal	
25	proceedings by the DHS-ICE for admitting to violating Section [] 212(a)(6)(A)(I) of	
26	the [Immigration and Nationality Act] as an alien present in the United States without	
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28	²⁸ ¹ The Clerk's Office docketed the Motion as a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241.	
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being admitted or paroled...." *Id.* Petitioner alleges that "... he also sought relief in the
 form of Asylum and Withholding of Removal." *Id.* Petitioner alleges that he was
 "found to be removable as charged and denied his Asylum application, and ordered to
 be removed from the United States and deported to his citizen country of El Salvador."
 Id.

Petitioner requests an order from the Court granting a temporary stay of removal
while he appeals his removal to the Ninth Circuit Court of Appeals. *Id.* at 4. Petitioner
does not seek release or claim that he is "in custody in violation of the Constitution or
laws of the United States." 28 U.S.C. § 2241. Petitioner cites no jurisdictional statute
or other authority which would allow this Court to stay his removal while the Court of
Appeals considers his appeal. The Court finds that it does not have jurisdiction over
Petitioner's Motion for Emergency Stay of Removal.

13 IT IS HEREBY ORDERED that the Motion for Emergency Stay of Removal14 (ECF No. 1) is DENIED.

15 IT IS FURTHER ORDERED that the Application to Proceed In Forma Pauperis
16 (ECF No. 2) is DENIED as moot.

The Clerk of Court shall close the case.

DATED: May 2, 2014

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WILLIAM Q. HAYES United States District Judge