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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

ROSARIO GAMBINO : DOCKET NO. 2:08-cv-1955
VS. : JUDGE MINALDI
ERIC H. HOLDER, JR. : MAGISTRATE JUDGE KAY

ORDER

On March 5, 2009, plaintiff filed an Emergency Motion for Stay of Removal in the above captioned civil *Bivens* action. Doc. 4. According to 8 U.S.C. § 1252(g), made law by the Real I.D. Act of 2005, Pub. L. No. 109-13, 119 Stat. 231, courts lack jurisdiction to “hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to . . . execute removal orders against any alien. *See Rosales v. Bureau of Immigration and Customs Enforcement*, 426 F.3d 733, 735-36 (5th Cir. 2005) (noting the application of this section to a district court’s ability to stay removal proceedings in a 28 U.S.C. § 2241 *habeas* action).

Petitioner notes that he is under a final order of removal according to *In re Rosario Gambino*, A12-392-286 (BIA 2008). Accordingly, Petitioner’s motion [Doc. 4] is DENIED.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on March 6, 2009.


KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE