

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

JOSE FAVIO MOLINA JEREZ,

Plaintiff,

vs.

**JEFFREY LYNCH, Director of
Immigration and Customs Enforcement
Omaha Office;
MICHAEL B. MUKASEY,
Attorney General; and
MICHAEL CHERTOFF, Secretary of
Department of Homeland Security,**

Defendants.

8:08CV522

ORDER

This matter is before the court on the petitioner's Emergency Motion for Stay of Removal and Request for Hearing ([Filing No. 2](#)). After a review of the petition and emergency motion and pursuant to direction from Senior Judge Lyle E. Strom, the petitioner's motion will be provisionally granted pending a hearing on the matter. Upon consideration,

IT IS ORDERED:

1. The petitioner's Emergency Motion for Stay of Removal and Request for Hearing ([Filing No. 2](#)) is provisionally granted pending a hearing.
2. The hearing will be held before Senior Judge Lyle E. Strom on **Wednesday, December 10, 2008**, at **1:30 p.m.**, in Courtroom No. 5, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska.
3. Any proceeding or action to remove Jose Favio Molina Jerez from the United States of America to Guatemala is hereby stayed until further order of the court.

DATED this 4th day of December, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge