

Supreme Court, U.S.
FILED
OCT - 4 2024
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No. 24A337

IN THE
SUPREME COURT OF THE UNITED STATES

Ayton Sanchez Romero, Petitioner

VS.

Merrick B. Garland, Attorney General, Respondent

**EMERGENCY MOTION FOR A STAY OF REMOVAL PENDING
ADJUDICATION OF THE PETITION FOR WRIT OF CERTIORARI AND
STAY OF REMOVAL PENDING RESOLUTION OF THE PETITION**

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TABLE OF CONTENTS

ORDER AND OPINION BELOW.....3

STATEMENT OF THE CASE.....3

REASONS FOR GRANTING THE STAY OF REMOVAL.....5

CONCLUSION.....5

1
2
3
4
5
6
7
8
9
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TABLE OF AUTHORITIES

Cases	Pages
Mendoza-Linares v. Garland, 51 F.4th 1146, 1154-55 (9th Cir. 2022).....	3
Nken v. Holder, 556 U.S. 418 (2009).....	3

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2 **TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF**
3 **THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT**
4 **JUSTICE FOR THE NINTH CIRCUIT:**

5 **ORDER AND OPINION BELOW**

6 **The order of the United States Court of Appeals for the Ninth Circuit**
7 **previously granted Mr. Romero a Stay of Removal which was lifted by Court**
8 **order on September 19, 2024. See Exhibit 1.**

9 **STATEMENT OF THE CASE**

10 **Applicant, Ayton Romero Sanches, respectfully requests an order**
11 **staying his removal pending adjudication of his Writ of Certiorari, grant the**
12 **Petition, and grant Mr. Romero a stay of removal during the Court’s**
13 **consideration of the petition. See *Nken v. Holder*, 556 U.S. 418 (2009).**

14 **Mr. Romero is currently in the custody of the Department of Homeland**
15 **Security and may be deported at any time. He sought and was granted a a**
16 **previous stay of removal from the Ninth Circuit Court of Appeals.**

17 **Mr. Romero has a strong claim and a likelihood of success on the merits**
18 **because his constitutional rights were violated as a result of his credible fear**
19 **claim not being subject to judicial review. Mr. Romero has filed an extensive**
20 **brief on this issue which was included in his Petition for Writ of Certiorari.**
21 **Mr. Romero is a refugee from Peru who stated that he feared harm or even**
22 **being killed if returned to that country. He stated these claim before both the**
23 **USCIS officer and before the Immigration Judge both of whom found that he**
24 **had not established a credible fear. Mr. Romero is seeking review of the**
25 **decision as laid out in *Mendoza-Linares v. Garland*, 51 F.4th 1146, 1154-55 (9th**
26 **Cir. 2022) which held that the circuit court lacked jurisdiction to review**
27 **expedited removal proceedings, including the determination that Petitioner**
28 **did not establish a credible fear of persecution or torture and whether**
Petitioner raised a colorable due process challenge.

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EXHIBIT 1

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 19 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AYTON SANCHEZ ROMERO,

Petitioner,

v.

MERRICK B. GARLAND, Attorney
General,

Respondent.

No. 24-2913

Agency No.
A249-396-413

ORDER

Before: CHRISTEN, OWENS, and BRESS, Circuit Judges.

Petitioner seeks review of an order issued in expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1). We lack jurisdiction to review expedited removal proceedings, including the determination that petitioner did not establish a credible fear of persecution or torture, regardless of whether the petition raises a colorable due process challenge. *See* 8 U.S.C. § 1252(a)(2)(A); *Mendoza-Linares v. Garland*, 51 F.4th 1146, 1154-55 (9th Cir. 2022).

The government's motion, contained in Docket Entry No. 19, to dismiss this petition for lack of jurisdiction is granted.

The motion to proceed in forma pauperis (Docket Entry No. 3) is denied as moot.

The motion for a stay of removal is denied. The temporary stay of removal

is lifted.

PETITION FOR REVIEW DISMISSED.

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CERTIFICATE OF SERVICE

I hereby certify that true copies of the Emergency Motion for A Stay of Removal have been served by US Mail, postage prepaid upon those listed below on this day October 4, 2024.

**U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 878
Ben Franklin Station
Washington, D.C. 20044**

/s/ Ayton Sanchez Romero

Ayton Sanchez Romero