

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Rolando Martinez Garcia v. Kelie Walker, et al.

Martinez Garcia · No. 2:26-cv-10-JES-NPM · Decided January 16, 2026

SUMMARY

The United States District Court for the Middle District of Florida denied Rolando Martinez Garcia’s emergency motion to stay his removal while his habeas petition challenging immigration detention remained pending. The court held that 8 U.S.C. § 1252(g) deprived the district court of jurisdiction to stay execution of a removal order and that the All Writs Act could not restore jurisdiction expressly withheld by Congress. The court allowed the habeas challenge to proceed but instructed that any request to pause removal must be directed elsewhere.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	January 16, 2026
DOCKET	2:26-cv-10-JES-NPM
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a habeas corpus petition challenging the legality of his immigration detention and then moved for an emergency stay of removal to prevent execution of a final removal order while the habeas case remained pending.
STANDARD OF REVIEW	The court considered whether it possessed subject-matter jurisdiction to issue a stay of removal; jurisdictional questions are reviewed as a matter of law.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Rolando Martinez Garcia v. Kelie Walker, et al.

TOPICS

- removal proceedings
- immigration detention
- subject matter jurisdiction
- injunctions
- immigration

PRACTICE AREAS

immigration law

habeas corpus

federal jurisdiction

removal proceedings

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) deprives a federal district court of jurisdiction to stay execution of a final removal order.
2. Whether the All Writs Act, 28 U.S.C. § 1651, authorizes a district court to stay removal to preserve jurisdiction over a pending habeas detention challenge despite § 1252(g).

HOLDINGS

1. Section 1252(g) deprives the district court of jurisdiction to review or stay the execution of a removal order.
2. The All Writs Act does not confer jurisdiction that Congress has expressly withdrawn through § 1252(g), and therefore cannot authorize the requested stay.

KEY QUOTATIONS

“The All Writs Act only authorizes courts to issue writs to protect jurisdiction they already possess; it does not grant jurisdiction that Congress has expressly taken away.” (Discussion)

“Martinez Garcia may proceed with his habeas challenge here. But if he wishes to pause execution of his removal order, he must look elsewhere because this Court does not have jurisdiction to enter such an order.” (Conclusion)

FACTUAL BACKGROUND

Rolando Martinez Garcia, a Cuban national who entered the United States during the 1980 Mariel boatlift, was paroled into the United States and later became subject to a removal order. After removal proceedings, he was released under an order of supervision and, despite complying with its terms, was taken into immigration custody on November 6, 2025, during a scheduled supervision meeting. He filed a habeas petition challenging his detention and sought a stay of removal because deportation might moot that petition.

PROCEDURAL HISTORY

Martinez Garcia filed a habeas petition alleging that his immigration detention violated the Due Process Clause. He subsequently filed an Emergency Motion for Stay of Removal, arguing that deportation could moot his detention challenge. The district court denied the motion for lack of jurisdiction under 8 U.S.C. § 1252(g), while allowing the habeas challenge itself to proceed.

DISPOSITION

other

CASES CITED

- *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999)
- *Camarena v. Dir., Immigr. & Customs Enf't*, 988 F.3d 1268, 1271–74 (11th Cir. 2021)
- *Rohe v. Wells Fargo Bank, N.A.*, 988 F.3d 1256, 1264 (11th Cir. 2021)
- *Penn Bureau of Corr. v. U.S. Marshals Serv.*, 474 U.S. 34, 43 (1985)
- *Danglar v. McAleenan*, No. 418CV01789RDPJEO, 2019 WL 7167589, at *1 (N.D. Ala. Nov. 21, 2019)
- *Oldaker v. Giles*, 724 F. Supp. 3d 1315, 1340 (M.D. Ga. 2024)
- *Lee v. U.S. Dep't of Just.*, No. 1:24-CV-984-ELR-JSA, 2024 WL 6081682, at *1–2 (N.D. Ga. Apr. 9, 2024)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-middle-district-of-flor/2026/rolando-martinez-garcia-v-kelie-walker-et-al-0d9fnfgm>