

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

David Ferrer Lescaille v. Kelie Walker, Secretary, Kristi Noem,
Pamela Bondi, and Todd Lyons, Warden of Florida Soft Side South
Facility

Ferrer Lescaille · No. 2:26-cv-11-KCD-NPM · Decided January 12, 2026

SUMMARY

The United States District Court for the Middle District of Florida denied David Ferrer Lescaille’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.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	Kyle C. Dudek
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	January 12, 2026
DOCKET	2:26-cv-11-KCD-NPM
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner brought a federal habeas corpus petition challenging the legality of his immigration detention and moved for an emergency stay of removal to preserve the habeas proceedings.
STANDARD OF REVIEW	Jurisdictional issue reviewed under the statutory limits on federal subject-matter jurisdiction.
PARTIES	David Ferrer Lescaille v. Kelie Walker, Secretary Kristi Noem, Pamela Bondi, Todd Lyons, Warden of Florida Soft Side South Facility

QUESTIONS PRESENTED

- Whether 8 U.S.C. § 1252(g) divests the district court of jurisdiction to issue a stay of removal.

2. Whether the All Writs Act, 28 U.S.C. § 1651, authorizes the district court to stay removal in order to preserve jurisdiction over a pending habeas petition when § 1252(g) otherwise bars review of the execution of a removal order.

HOLDINGS

1. Section 1252(g) strips the district court of subject-matter jurisdiction to review or stay the execution of a removal order. A request for an order preventing removal directly challenges the Attorney General's action to execute a removal order.
2. The All Writs Act does not confer jurisdiction that Congress has expressly withdrawn and cannot be used to issue a stay of removal barred by § 1252(g).

KEY QUOTATIONS

“Except as provided in this section and notwithstanding any other provision of law . . . no court shall have jurisdiction to hear any cause or claim by or” (Discussion)

FACTUAL BACKGROUND

David Ferrer Lescaille, a Cuban native who had lived in the United States for several decades, was placed in removal proceedings after a criminal conviction in 2003. Because the government could not return him to Cuba, he was released under an Order of Supervision and allegedly complied with reporting requirements while maintaining a clean record for more than two decades. Immigration officers detained him in November 2025, and he filed a habeas petition challenging the legality of his detention. He sought a stay of removal because he feared deportation to Cuba or another country would moot his detention challenge.

PROCEDURAL HISTORY

Ferrer Lescaille filed a habeas petition alleging that his detention was unlawful because there was no significant likelihood of his removal to Cuba in the foreseeable future. While the petition was pending, he filed an emergency motion asking the district court to stay his removal. The district court denied the motion for lack of subject-matter jurisdiction under 8 U.S.C. § 1252(g), while allowing the underlying habeas challenge to proceed.

DISPOSITION

other