

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Gilmer Alberto Cabrera Armas v. Warden of the Desert View Facility

No. 5:25-cv-01341-SSS-BFMx, United States District Court for the Central District of California (July 14, 2025)

SUMMARY

The United States District Court for the Central District of California dismissed Gilmer Alberto Cabrera Armas’s motion for a stay of removal without prejudice for lack of subject matter jurisdiction. The court held that the REAL ID Act precluded district-court consideration of the motion and instructed Cabrera Armas to file the petition in the Ninth Circuit.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sunshine S. Sykes
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 14, 2025
DOCKET	5:25-cv-01341-SSS-BFMx
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a motion for a stay of removal pending ICE's decision on his Form I-246 application. The district court dismissed the case sua sponte for lack of subject matter jurisdiction and denied the motion without prejudice.
STANDARD OF REVIEW	The district court independently examined whether subject matter jurisdiction existed.
PRECEDENTIAL VALUE	Unknown
PARTIES	Gilmer Alberto Cabrera Armas v. Warden of the Desert View Facility

TOPICS

- removal proceedings
- subject matter jurisdiction
- immigration
- civil procedure

PRACTICE AREAS

- immigration
- civil procedure

QUESTIONS PRESENTED

1. Whether the district court had subject matter jurisdiction to consider a motion for a stay of removal pending ICE's decision on a Form I-246 application.
2. Whether the case should be dismissed and the requested stay denied when jurisdiction was lacking.

HOLDINGS

1. The district court lacked subject matter jurisdiction to consider Plaintiff's motion for a stay of removal because the REAL ID Act of 2005 precludes district courts from reviewing challenges to removal.
2. The district court had an independent duty to determine whether subject matter jurisdiction existed and could dismiss the case when jurisdiction was absent.

KEY QUOTATIONS

“Federal district courts “have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.”” (1)

“The REAL ID Act of 2005 precludes districts courts from considering Plaintiff’s motion.” (1)

FACTUAL BACKGROUND

Gilmer Alberto Cabrera Armas sought a stay of removal while ICE considered his Form I-246, Application for a Stay of Deportation or Removal. The district court treated the requested relief as a challenge to removal over which district courts lack jurisdiction under the REAL ID Act.

PROCEDURAL HISTORY

Cabrera Armas initiated the action by filing a motion for a stay of removal pending an administrative decision by ICE. Upon reviewing the motion, the district court determined that the REAL ID Act deprived it of jurisdiction over the challenge and dismissed the case, instructing Plaintiff to file the petition in the Ninth Circuit.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The court instructed Cabrera Armas to file the petition in the Ninth Circuit.

CASES CITED

- *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006)
- *Gomez v. Holder*, No. SACV 13-718 PA (MAN), 2013 WL 12144082, at *1 (C.D. Cal. May 6, 2013)
- *Momeni v. Chertoff*, 521 F.3d 1094, 1095 (9th Cir. 2008)
- *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 577, 583 (1999)

OPINION

Gilmer Alberto Cabrera Armas v. Warden of the Desert View Facility
PER CURIAM.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—
GENERAL

Case No. 5:25-cv-01341-SSS-BFMx Date July 14, 2025 Title Gilmer Alberto Cabrera Armas v. Warden of the Desert View Facility Present: The Honorable SUNSHINE S. SYKES, UNITED STATES DISTRICT JUDGE Irene Vazquez Not Reported Deputy Clerk Court Reporter Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s): None Present None Present Proceedings: (IN CHAMBERS) ORDER DISMISSING CASE FOR LACK OF SUBJECT MATTER JURISDICTION [DKT. 1]

Federal district courts “have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.” *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006). Here, Plaintiff Gilmer Alberto Cabrera Armas (“Cabrera Armas”) filed a Motion for Stay of Removal pending a decision by U.S. Immigration and Customs Enforcement (ICE) on his Form I-246, Application for a Stay of Deportation or Removal. [Dkt. 1]. In reviewing Plaintiff’s Motion, it has come to this Court’s attention that this Court lacks subject matter jurisdiction over this case. The REAL ID Act of 2005 precludes districts courts from considering Plaintiff’s motion. *Gomez v. Holder*, No. SACV 13-718 PA (MAN), 2013 WL 12144082 at *1 (C.D. Cal. May 6, 2013) (clarifying that the Act “precludes this Court from having subject matter jurisdiction to consider petitioner’s claims”). See also *Momeni v. Chertoff*, 521 F.3d 1094, 1095 (9th Cir. 2008) (reiterating that district courts plainly lack habeas jurisdiction over challenges to removal orders). Page 1 of 2 CIVIL MINUTES—GENERAL Initials of Deputy Clerk iv Because this Court has a duty on its own to ensure it possesses jurisdiction over the subject matter of this case before reaching the merits, *Ruhrgas AG v. Marathon Oil, Co.*, 526 U.S. 574, 577, 583 (1999), the Court DENIES WITHOUT PREJUDICE Cabrera Armas’s motion for stay of removal. In light of this order, the Court instructs Cabrera Armas to file the petition in the Ninth Circuit. IT IS SO ORDERED. Page 2 of 2 CIVIL MINUTES—GENERAL Initials of Deputy Clerk iv