

**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.

OPINION

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