

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUN 29 2011

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

JESUS OSCAR RODRIGUEZ-OLIVAS,)

Plaintiff,)

v.)

Civil Action No. 11-1000

UNITED STATES OF AMERICA, *et al.*,)

Defendants.)

MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. Plaintiff has been convicted of traffic and drug violations in Texas, and currently he is in custody pending deportation to Mexico. He seeks an order to stay or cancel his deportation, a matter over which a federal district court lacks subject matter jurisdiction. *See Dennis v. Dep't of Homeland Sec.*, No. 09-cv-4513, 2009 WL 3426873 (E.D.N.Y. Oct. 23, 2009) ("The REAL ID Act of 2005, 8 U.S.C. § 1252, strips district courts of jurisdiction to review a final order of deportation . . . [and] to stay an order of deportation or removal."); *Croituru v. Holder*, No. 09-cv-2252, 2009 WL 4249288 (D.D.C. Nov. 27, 2009) ("Where, as here, plaintiff's claims appear to arise from the Attorney General's decision . . . to execute a removal order, the claims are thus subject to the unambiguous jurisdiction-stripping language of 8 U.S.C. § 1252(g).") (internal quotation marks and citation omitted), *aff'd*, 398 Fed. App'x 608 (D.C. Cir. 2010); *see also Sadhvani v. Chertoff*, 460 F. Supp. 2d 114, 122 (D.D.C. 2006) (dismissing petitions for a writ of habeas corpus and a writ of mandamus and motion for preliminary injunction to stay petitioner's deportation to Togo), *aff'd*, No. 06-5405, 2008 WL 2185344 (D.C.

Cir. May 13, 2008) (per curiam).

Accordingly, the Court grant plaintiff's application to proceed *in forma pauperis* and will dismiss the complaint. An Order consistent with this Memorandum Opinion is issued separately.

DATE:

6/21/11



United States District Judge