

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Nina Y. Wang

Civil Action No. 25-cv-03307-RMR

HUMBERTO ROMEU-PEREZ,

Petitioner,

v.

WARDEN, AURORA DETENTION CENTER,

Respondent.

ORDER

Entered by Judge Nina Y. Wang

Pending before the Court is the Emergency Motion for a Temporary Restraining Order and/or a Preliminary Injunction (“Emergency Motion for TRO”) [Doc. 16, filed December 11, 2025].¹

Petitioner Humberto Romeu-Perez (“Petitioner” or “Mr. Romeu-Perez”) filed pro se a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (“Habeas Petition”) on October 20, 2025 [Doc. 1], alleging that he was being improperly detained by the United States Immigration and Customs Enforcement (“ICE”) at the Aurora Detention Center located at 3130 North Oakland Street, Aurora, Colorado 80010. [Doc. 1]. He alleges that his detention after finishing his criminal sentence had extended beyond 90 days; his removal to Cuba was not reasonably foreseeable because Cuba does not accept deportees from the United States and Mexico had refused to admit him; and therefore, his continued detention violated the Constitution. *See generally* [Doc. 1]. On October 22, 2025, the Honorable Richard T. Gurley issued an Order to Show Cause within 30 days as to why this application for writ of habeas corpus should not be granted and the case was drawn to Judge Rodriguez. [Doc. 3; Doc. 4]. Upon review of the matter, the Court determined that the Respondent had not been served with a copy of the Order to Show Cause and directed the Clerk’s Office to serve Respondent a copy of the Order to Show Cause and the Habeas Petition on November 20, 2025. [Doc. 6]. The Court also ordered Respondent to show cause within 30 days as to why the Habeas Petition should not be granted. [*Id.*]. On November 24, 2025, the United States Attorney’s Office for the District

¹ This Emergency Motion for TRO is being handled on an emergency basis by the undersigned judicial office due to its urgency and the unavailability of the Honorable Regina M. Rodriguez.

of Colorado acknowledged receipt, and counsel for the Respondent entered her appearance on the following day. [Doc. 8; Doc. 9].

Then, on December 3 and 4, 2025, Petitioner's wife, Lissette de la Paz ("Ms. de la Paz"), filed a letter titled "Urgent – Emergency Notice of Transfers and Imminent Removal Risk" and a subsequent motion informing the Court that Mr. Romeu-Perez had been transferred to Port Isabel Detention Center in Texas. [Doc. 11; Doc. 12]. Because Ms. de la Paz was neither a party to this action nor an attorney, the Court denied the relief requested in the letter and motion without prejudice on December 5, 2025. [Doc. 13]. The Court further ordered the Parties to show cause, in writing, within 7 days from the date of the Order, why "Warden, Port Isabel Detention Center" should not be substituted as the respondent to this case and the case be transferred to the United States District Court for the Southern District of Texas. [*Id.*]. Thus, the return date for the Court's December 5, 2025, Order to Show Cause is tomorrow, December 12, 2025, and neither Party has yet to respond.

However, at 5:52 MST today, December 11, 2025, counsel for Petitioner entered an appearance and filed this instant Emergency Motion for TRO, and Memorandum in Support of Emergency Motion for Temporary Restraining Order in support thereof ("Memorandum in Support"). [Doc. 16; Doc. 17]. In the Memorandum in Support, Petitioner represents that "upon information and belief, the Department of Homeland Security is seeking to remove Mr. Romeu to Mexico this evening, despite, upon information and belief, there being no evidence that they have complied with the statute in designating a third country of removal or the requirement to conduct a reasonable fear interview." [Doc. 17 at 1 (emphasis in original)]. Petitioner moves, pursuant to Rule 65 of the Federal Rules of Civil Procedure and the All Writs Act precluding ICE from transferring pending resolution of his habeas petition, or, at a minimum precluding any such action prior to ascertaining whether DHS has complied with the applicable regulations and constitutional protections.

Section 2241(a) of Title 28 of the United States Code provides in relevant part that "[w]rits of habeas corpus may be granted by ... the district courts within their respective jurisdictions" when a petitioner "is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241. As courts in this District have previously observed, "[u]nder the district of confinement rule, which is 'the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.'" *Dvortsin v. Noem*, No. 25-CV-01741-NYW, 2025 WL 1751968, at *3 (D. Colo. June 12, 2025) (citing *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004)). The district of confinement, however, is measured at the moment the Habeas Petition is filed. Specifically, the United States Supreme Court has held that:

[T]he District Court acquired jurisdiction in this case and that the removal of [Petitioner] did not cause it to lose jurisdiction where a person in whose custody she remains within the district.

Ex parte Endo, 323 U.S. 283, 306 (1944). In the context of this action, where Mr. Romeu-Perez properly filed his Habeas Petition in this Court and then was subsequently transferred to a facility outside of the District, the Attorney General may be deemed a custodian to allow the original district court to retain jurisdiction. See e.g. *Ozturk v. Trump*, 777 F. Supp. 3d 26, 36 (D. Mass. 2025) (citing *Chavez-Rivas v. Olsen*, 194 F. Supp. 2d 368, 377 (D.N.J. 2002)).

Accordingly, **IT IS ORDERED** that:

- (1) Pam Bondi, in her official capacity as Attorney General of the United States and Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security, are **DEEMED** Respondents to this action;
- (2) The Emergency Motion for Temporary Restraining Order [Doc. 16] is **GRANTED in part and RESERVED in part**,
- (3) Pursuant to the All Writs Act, 28 U.S.C. § 1651(a) and Fed. R. Civ. P. 65(b), in order to preserve the Court's jurisdiction to allow it an adequate opportunity to determine (1) whether additional relief requested by the Emergency Motion for Temporary Restraining Order is appropriate; (2) whether transfer to the United States District Court for the Southern District of Texas is appropriate; (3) the underlying Habeas Petition; or (4) other relief is appropriate, Respondents **SHALL NOT REMOVE** Petitioner Humberto Romeu-Perez from the United States until and unless this Court or the United States Court of Appeals for the Tenth Circuit vacates this Order; and
- (4) Respondents shall **RESPOND** to the Emergency Motion for Temporary Restraining Order no later than **December 19, 2025**.

DATED: December 11, 2025