

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

Jessica Fernandes Moraes)
)
 Petitioner,)
)
 v.)
)
Kevin Joyce, Cumberland County Sheriff,)
David Wesling, Acting Director of Boston Field)
 Office, U.S. Immigration and Customs Enforcement)
Todd Lyons, Acting Director, U.S.)
 Immigration and Customs Enforcement;)
Kristi Noem, Secretary of the)
 U.S. Department of Homeland Security;)
Pamela Bondi, U.S. Attorney General,)
)
 Respondents.)
 _____)

Case No. _____

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER TO STOP TRANSFER
WITHOUT PRIOR CONSENT**

Expedited Consideration Requested

Pursuant to the All Writs Act, 28 U.S.C. § 1651, Petitioner Jessica Fernandes Moraes hereby moves this Court to bar federal Respondents from transferring Petitioner outside the District of Maine. Based on transfer patterns observed by advocates and reported on by media,¹ Petitioner is at risk of transfer far outside of the District of Maine absent an order from the Court.

Petitioner should not be transferred outside of the District of Maine, including because (1) Petitioner’s presence in the District of Maine would facilitate this Court’s consideration of his habeas petition by enabling access to counsel and Petitioner’s ability to participate fully in Court proceedings; (2) if Petitioner were transferred, the government may contend that Petitioner’s

¹ See, e.g., Emily Allen, “Family and lawyers ‘exhausted’ as ICE shuffles loved ones in and out of Maine,” Portland Press Herald, <https://www.pressherald.com/2025/06/17/family-and-lawyers-exhausted-as-ice-shuffles-loved-ones-in-and-out-of-maine/> (June 17, 2025) (detailing transfer of Maine resident from Maine to Texas detention facility); Oliver Laughland, “‘Detention Alley’: inside the Ice centres in the US south where foreign students and undocumented migrants languish,” The Guardian, <https://www.theguardian.com/us-news/2025/mar/29/ice-detention-centers-immigration-asylum> (Mar. 29, 2025) (detailing transfer of Massachusetts, District of Columbia, and Florida residents to Louisiana detention facility).

transfer deprives this Court of jurisdiction to hear a claim that is properly before it, and mooted the issue by barring transfer would promote judicial efficiency; and (3) as this Court has found in several recent matters, an appropriate balancing of the equitable factors a Court must consider in deciding whether to issue a Temporary Restraining Order or a Preliminary Injunction weighs in favor of granting the requested relief, including because Petitioner is highly likely to succeed on the merits of his claim.

ARGUMENT

Under the All Writs Act, this Court may “issue all writs necessary or appropriate in aid of [its] respective jurisdiction[s] and agreeable to the usages and principles of law.” 28 U.S.C. § 1651. Here, the Court should enjoin the transfer of Petitioner by Respondents out of the District of Maine. This restraint will facilitate the Court’s consideration of Petitioner’s pending habeas petition, which has been properly filed with the Court and ensure that Petitioner has access to counsel while this petition is pending.

Petitioner has filed a habeas corpus petition pursuant to 28 U.S.C. § 2241 seeking, among other things, an individualized bond hearing to which he is legally entitled under 8 U.S.C. § 1226(a). As detailed in the petition for habeas corpus, she is currently being detained by U.S. Immigration and Customs Enforcement (“ICE”) at the Cumberland County Jail in Portland, ME.

Petitioner’s continued presence in Maine would facilitate this Court’s consideration of his habeas petition in at least three regards.

First, Petitioner has counsel in her habeas proceedings from Annelise Araujo Law, a firm based in Boston, MA, and undersigned counsel’s ability to represent her effectively depends on having reasonable access to Petitioner. Transfer of Petitioner outside of the District of Maine would complicate counsel’s ability to communicate with Petitioner and to present her case to the

Court. Further, transfer of Petitioner to a far-away detention facility would impair her ability to participate in Court proceedings, including any argument and evidentiary proceedings the Court orders.

Second, if Petitioner were transferred outside the District of Maine, the government may contend that this Court would be divested of jurisdiction over Petitioner's claims after transfer from Maine because of the immediate custodian rule. *See Vasquez v. Reno*, 233 F.3d 688 (1st Cir. 2000). The requested relief would moot out any such argument, which will allow proceedings to move forward efficiently. If this Court were divested of jurisdiction by a transfer, undersigned counsel would not be able to provide Petitioner with representation in habeas proceedings in the District of Maine. *See generally S.N.C. v. Sessions*, 325 F. Supp. 3d 401, 410 (S.D.N.Y. 2018) (recognizing "concerns about Petitioner's continuity of counsel" in granting petitioner leave to amend petition to ensure jurisdiction of the court).

Third, in several recent matters involving the same detention authority misclassification issue, this Court has granted the same relief against transfer that Petitioner requests here after balancing the appropriate equitable factors. *See, e.g., Aguilar Guerra v. Joyce*, No. 2:25-cv-00534-SDN, 2025 WL 2986316 (D. Me. Oct. 23, 2025); *Chanaguano v. Scott*, No. 1:25-cv-00500-JAW, 2025 WL 2806416 (D. Me. Oct. 2, 2025); *Chiliquinga Yumbillo v. Stamper*, No. 2:25-cv-00479-SDN, 2025 WL 2688160 (D. Me. Sept. 19, 2025); *Tamay v. Scott*, No. 2:25-cv-00438-JAW, 2025 WL 2507011 (D. Me. Sept. 2, 2025); *see also Rodrigues De Oliveira v. Joyce*, No. 2:25-cv-00291-LEW, 2025 WL 1826118, at *7 (D. Me. July 2, 2025) (granting petition and barring Respondents from transferring Petitioner until Petitioner's bond hearing before an Immigration Judge). The equitable factors weigh strongly in favor of barring the Respondents from transferring Petitioner outside the District of Maine here too, including because Petitioner is highly likely to prevail in

his argument that he is entitled to an individualized bond hearing before an Immigration Judge under 8 U.S.C. § 1226(a). *See, e.g., Petion v. Hyde*, No. 2:25-cv-00535-SDN, 2025 WL 3072567 (D. Me. Nov. 3, 2025); *Aguilar Guerra v. Joyce*, No. 2:25-cv-00534-SDN, 2025 WL 2999042 (D. Me. Oct. 24, 2025); *Perez Pina v. Stamper*, No. 2:25-cv-00509-SDN, 2025 WL 2939298 (D. Me. Oct. 16, 2025); *Chogllo Chaffla*, 2:25-cv-00437-SDN, 2025 WL 2531027 (D. Me. Sept. 2, 2025); *Rodrigues De Oliveira*, 2025 WL 2507011.

Based upon the foregoing reasons, Petitioner respectfully requests that the Court enjoin Petitioner's transfer during the pendency of these habeas proceedings.

Respectfully submitted this 21st day of November, 2025,

Jessica Fernandes Moraes, Petitioner

By and through her counsel

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*Certification for admission *pro hac vice* forthcoming