

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JEAN DUPONT,¹

Petitioner,

v.

HAMILTON MESERVE, Chair of the Board
of Directors of the Lincoln and Sagadahoc
Multicounty Jail Authority,
JAMES BAILEY, Correctional Administrator
of Two Bridges Regional Jail,
DAVID WESLING, Acting Director of the
Boston Field Office of U.S. Immigration and
Customs Enforcement, Enforcement and
Removal Operations,
TODD LYONS, Acting Director of U.S.
Immigration and Customs Enforcement,
KRISTI NOEM, U.S. Secretary of Homeland
Security, and
PAMELA BONDI, U.S. Attorney General,

Respondents.

Case Number:

**EMERGENCY MOTION FOR TRO TO BAR TRANSFER
OUTSIDE THE DISTRICT OF MAINE
(Expedited Consideration Requested)**

Pursuant to the All Writs Act, 28 U.S.C. § 1651, the Petitioner hereby moves this Court to bar the federal Respondents from transferring him outside the District of Maine. Based on transfer patterns observed by advocates and reported on by media,² Petitioner is at risk of transfer far

¹ Jean Dupont is a pseudonym used here in accordance with District of Maine Local Rule 10(d).

² 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).

outside of the District of Maine absent an order from the Court. *See also Ambila v. Joyce*, 2:25-cv-00267-NT, 2025 WL 1534852, at *2 (D. Me. May 28, 2025) (describing federal Respondents' actions in suddenly transferring a noncitizen habeas petitioner out of the District of Maine shortly after filing their response to the petition, while the petition remained pending).

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, Respondents may contend that Petitioner's 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 habeas petitions brought by noncitizens, barring transfer outside the District of Maine during the pendency of these proceedings is warranted under the circumstances.

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 his release from his prolonged detention under 8 U.S.C. § 1231(a) and the Due Process Clause because

Respondents cannot show that there is significant possibility that they will remove him in the reasonably foreseeable future, and, in the alternative, if his removal were significantly possible in the reasonably foreseeable future, their failure to guarantee him notice and an opportunity to be heard would violate the Immigration and Nationality Act and the Due Process Clause.

Ordering preliminary relief maintaining Petitioner's continued presence in the District of Maine is warranted for at least three reasons.

First, Petitioner has pro bono counsel in his habeas proceedings from the American Civil Liberties Union of Maine Foundation ("ACLU of Maine"), and undersigned counsel's ability to represent him 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 his case to the Court. Further, transfer of Petitioner to a far-away detention facility would impair his 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 recent matters involving the same prolonged detention issue, this Court has balanced the appropriate equitable factors and granted the same relief against transfer requested here. *Misigaro v. Hyde et al.*, 2:25-cv-00538-LEW, Dkt. 6, Order (D. Me. Oct. 24, 2025) (barring transfer outside the District of Maine during pendency of habeas petition by noncitizen challenging prolonged detention following issuance of final removal order and grant of withholding of removal); *Ambila*, 2025 WL 1534852 (barring transfer outside District of Maine during pendency of habeas petition by noncitizen challenging prolonged detention following issuance of final removal order); *see, also Aguilar Guerra v. Joyce*, No 2:25-cv-00534-SDN, 2025 WL 2986316 (D. Me. Oct. 23, 2025) (barring transfer outside of District of Maine during pendency of habeas petition by noncitizen challenging detention without an individualized bond hearing); *Chanaguano v. Scott*, No. 1:25-cv-00500-JAW, 2025 WL 2806416 (D. Me. Oct. 2, 2025) (same); *Chiliquinga Yumbillo v. Stamper*, No. 2:25-cv-00479-SDN, 2025 WL 2688160 (D. Me. Sept. 19, 2025) (same); *Tamay v. Scott*, No. 2:25-cv-00438-JAW, 2025 WL 2507011 (D. Me. Sept. 2, 2025) (same).

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 24th day of November, 2025.

Petitioner,

By and through his Counsel,

/s/ Max I. Brooks

Max I. Brooks

Carol J. Garvan

Anahita Sotoohi

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