


UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
CASE NO.: 3:25-cv-01466

KAREN JOHANA)
MALDONADO-CACERES)
(A ))
)
Petitioner,)
)
vs.)
)
SCOTTY RHODEN, as Sheriff of)
Baker County and custodian of the)
Baker County Detention Center;)
KRISTI NOEM, as United States)
Secretary of Homeland Security;)
TODD LYONS, as Senior Official)
Performing the Duties of the Director)
of U.S. Immigration and Customs)
Enforcement; GARRETT J. RIPA,)
as Field Office Director, U.S.)
Immigration and Customs Enforcement;)
and PAM BONDI, as United States)
Attorney General;)
)
Respondents.)
_____)

EMERGENCY MOTION FOR TEMPORARY NON-TRANSFER ORDER
PURSUANT TO 28 U.S.C. § 1651(a) (ALL WRITS ACT)
(Post-Filing Jurisdiction Attached)

Petitioner, Karen Johana Maldonado-Caceres (“**Maldonado**”), by undersigned counsel, respectfully moves this Court for an emergency, temporary **non-transfer order** pursuant to the All Writs Act, 28 U.S.C. § 1651(a), to preserve this Court’s habeas jurisdiction and prevent ICE from further transferring Petitioner to unknown locations while this action is pending. This motion is not seeking a temporary restraining order under Rule 65. It seeks a narrowly tailored jurisdiction-preserving

order that federal courts routinely issue under the All Writs Act when ICE transfers threaten to undermine habeas review. In support of the emergency motion, Petitioner states:

A. ICE Has Obstructed Judicial Review Through Rapid, Opaque Interstate Transfers

1. As of November 26, 2025, Petitioner was detained at Baker County Detention Center in Macclenny, Florida. During the afternoon, Petitioner informed her fiancé that detainees were being placed on buses for transfer to unknown destinations without advance notice.

2. Counsel worked through the night of November 27, 2025 to finalize the habeas petition. On the morning of November 28, 2025—prior to filing—counsel learned that Petitioner had been relocated to Moshannon Valley Processing Center in Pennsylvania.

3. On the morning of filing (November 29, 2025), Petitioner called from an unidentified airport and informed Torres that ICE was transporting her again without disclosing the destination. Petitioner expressed fear that she was being removed from the United States.

4. As of this filing, ICE’s detainee-locator system mistakenly reflects that Petitioner is “Not in Custody,” despite her being physically in ICE custody. This prevents counsel from determining her location, custodian, or field office assignment. (*See* DE-1, Ex. 17.)

5. Petitioner is presently “in transit” and ICE has concealed her custodial location. When a detainee is held at an undisclosed location by an unknown custodian,

the jurisdictional “district of confinement” rule cannot apply. Rumsfeld v. Padilla, 542 U.S. 426, 450 n.18 (2004). Counsel cannot be expected “to file in every jurisdiction” when the government conceals the location of custody. Demjanjuk v. Meese, 784 F.2d 1114, 1116 (D.C. Cir. 1986). The Fourth Circuit recently reaffirmed the same principle where, as here, the government rapidly shifts custody among multiple states. Suri v. Trump, 2025 WL 1806692, at 4–6 (4th Cir. July 1, 2025) (holding that “ICE cannot defeat habeas jurisdiction through opaque rapid-transfer practice”). Under these circumstances, the “unknown custodian” exception recognized in Padilla must be applied.

B. This Court’s Habeas Jurisdiction Already Attached at Filing and Must Be Preserved

6. At the time the Petition was filed, ICE had already removed Petitioner from Baker County Detention Center but had not placed her in any identifiable detention facility. She was listed by ICE as “Not in Custody,” was physically “in transit” at an undisclosed airport, and her destination and custodian were unknown. In this posture, no district of confinement could be ascertained. Under these circumstances, the ‘district of confinement’ rule is impossible to apply, and the unknown-custodian exception supplies jurisdiction even if the detainee is physically between districts.

7. Because no ascertainable district of confinement existed at the time of filing—and because Petitioner’s last known custodial district was the Middle District of Florida—this Court was the only district in which the habeas petition could practicably be filed. Accordingly, jurisdiction lies here under the Padilla unknown-

custodian exception, the last-known-custodian principle recognized in Demjanjuk, and 28 U.S.C. § 2241.

8. Because jurisdiction properly attached at filing under these doctrines, the All Writs Act, 28 U.S.C. § 1651(a), authorizes this Court (a) to order ICE to return Petitioner to this original district to preserve habeas jurisdiction, as well as to (b) issue a temporary non-transfer order to protect and preserve that jurisdiction and to prevent ICE from further transfers that impede review. See Suri v. Trump, 2025 WL 1806692 (4th Cir. 2025).

9. The All Writs Act empowers this Court to issue orders “necessary or appropriate in aid of” its already-attached jurisdiction. 28 U.S.C. § 1651(a). That includes temporary non-transfer orders preventing government action that would obstruct adjudication. FTC v. Dean Foods Co., 384 U.S. 597, 603–04 (1966).

10. ICE’s transfer pattern demonstrates that Petitioner’s detention is controlled not by any local warden but by DHS’s nationwide reclassification directive issued on July 8, 2025—now the subject of this habeas petition.

C. Relief Requested

11. Petitioner respectfully requests an Order providing that:

a. Respondents shall RETURN Petitioner to the custody of the ICE Enforcement and Removal Operations (“ERO”) Miami Field Office, within the Middle District of Florida, so that this Court may exercise effective habeas jurisdiction and adjudicate the Petition. This relief is authorized under the All Writs Act, 28 U.S.C.

§ 1651(a), and is necessary to restore the status quo ante and prevent ICE from defeating judicial review through pre-filing transfers;

b. Respondents may not transfer Petitioner outside the jurisdiction of this Court or the ERO Miami Field Office without prior notice to this Court and an opportunity for the Court to rule;

c. Respondents must immediately disclose Petitioner's present physical location and immediate custodian; and

d. Any transfer initiated after the filing of the Petition shall be deemed without jurisdictional effect for purposes of determining proper custody over this habeas action.

Such relief is necessary to preserve this Court's ability to adjudicate the habeas petition and prevent irreparable jurisdictional harm caused by ICE's ongoing non-disclosure and rapid transfers.

Respectfully submitted,

/s/Howard Jerome Levine
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