

WILFRIDO LUIS ROMERO GUAMAN,

Petitioner,

v.

MATTHEW HLADIK, Area Port Director, Area Port of Portland, Maine, Office of Field Operations, U.S. Customs and Border Protection, DERRICK STAMPER, Chief Patrol Agent, Houlton Sector, U.S. Border Patrol, RODNEY SCOTT, Commissioner, U.S. Customs and Border Protection, DAVID WESLING, Acting Field Office Director, Boston Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement, KRISTI NOEM, Secretary, U.S. Department of Homeland Security, PAMELA BONDI, Attorney General, U.S. Department of Justice,

Respondents.

Case Number:

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 Wilfrido Luis Romero Guaman 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.

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->

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 transfer deprives this Court of jurisdiction to hear a claim that is properly before it, and mooting 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[] and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). 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, he is currently being detained by U.S. Customs and Border Protection ("CBP") at the U.S. Border Parol's Calais Station in Calais, Maine.

[detention-centers-immigration-asylum](#) (Mar. 29, 2025) (detailing transfer of Massachusetts, District of Columbia, and Florida residents to Louisiana detention facility).

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 his habeas proceedings from Talia Rothstein of Pine Tree Legal Assistance, based in Portland, 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, 696 (1st Cir. 2000). The requested relief would render moot any such argument and thereby allow proceedings to move forward efficiently. Moreover, 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. *Cf. 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, the equitable factors generally applicable when assessing whether to grant a TRO point in Petitioner's favor – just as they did in several recent matters involving the same detention authority misclassification issue, where this Court has granted the same relief against transfer that Petitioner requests here. *See, e.g., Aguilar Guerra v. Joyce*, No. 25-cv-00534, 2025 WL 2986316, at *2-4 (D. Me. Oct. 23, 2025); *Chanaguano Caiza v. Scott*, No. 25-cv-00500, 2025 WL 2806416,

at *2-6 (D. Me. Oct. 2, 2025); *Chiliquinga Yumbillo v. Stamper*, No. 25-cv-00479, 2025 WL 2688160, at *2-4 (D. Me. Sept. 19, 2025); *Tamay v. Scott*, No. 25-cv-00438, 2025 WL 2507011, at *2-4 (D. Me. Sept. 2, 2025). First, 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. 25-cv-00535, 2025 WL 3072567, at *2 (D. Me. Nov. 3, 2025); *Aguilar Guerra*, 2025 WL 2999042, at *2-4; *Pérez Piña v. Stamper*, No. 25-cv-00509, 2025 WL 2939298, at *3 (D. Me. Oct. 16, 2025); *Chogllo Chafra v. Scott*, No. 25-cv-00437, 2025 WL 2531027, at *5-9 (D. Me. Sept. 21, 2025). Second, Petitioner is at risk of irreparable harm because “transfer outside of the District of Maine could strip this Court of jurisdiction and inhibit h[is] right to access counsel.” *Aguilar Guerra*, 2025 WL 2999042, at *4. Third, the balance of equities and the public interest tips in Petitioner’s favor, because of the “obvious” hardship to Petitioner if “his removal does not comply with due process” and the “slight” hardship to Respondents, and because of the public interest in ensuring the government complies with the law. *Chanaguano Caiza*, 2025 WL 2806416, at *4-5.

The Court may also grant this relief without conducting the standard equitable balancing under the “broad authority” provided by the All Writs Act for federal district courts to take action to preserve the status quo to allow them to fully adjudicate an issue already before them. *Perez Parra v. Castro*, 765 F. Supp. 3d 1241, 1243-44 (D.N.M. 2025) (ordering relief barring transfer during pendency of habeas proceedings under the All Writs Act, without conducting balancing of standard TRO factors); *see also FTC v. Dean Foods Co.*, 384 U.S. 597, 604 (1966) (holding that the All Writs Act provides “a limited judicial power to preserve the court’s jurisdiction or maintain the status quo by injunction pending review of an agency’s action through the prescribed statutory channels” (citation omitted)). There are “many instances where district courts utilize [their]

inherent authority under the [All Writs Act] to retain jurisdiction and enjoin transfers.” *Perez Parra*, 765 F. Supp. 3d at 1243-44 (collecting cases).

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 15th day of December, 2025.

Wilfrido Luis Romero Guaman,

By and through his Counsel,

/s/ Talia K. Rothstein

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