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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

NABIL MOHAMMED AHLAT,
Detainee, Weber County Jail,

Petitioner,

v.

PAMELA BONDI, Attorney General of the
United States; KRISTI NOEM, Secretary,
United States Department of Homeland
Security; BRIAN HENKE, Director of Salt
Lake City Field Office, United States
Citizenship and Immigration Services; RYAN
ARBON, Weber County Sheriff; and the
United States Immigration and Customs
Enforcement.

Respondents.

**EMERGENCY MOTION FOR ORDER
PREVENTING TRANSFER DURING
PENDENCY OF PETITION**

Case No. 1:25-cv-199

Petitioner Nabil Ahlat formally requests that he not be transferred out of this jurisdiction while the petition is pending “[b]ecause transfer of Petitioner to another district could interfere with his access to counsel and ability to participate in the proceedings.” *Tran v. Bondi, et al.*, No. CV25-1897-JLR-BAT, Dkt. 6 at 3 (W.D. Wash. Oct. 7, 2025) (sua sponte issuing such an order in a § 2241 case involving an ICE detainee).

The basis for his petition is that after being released from ICE custody in 2012 under to *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001), ICE arrested him a second time on December 15, 2025. ICE officials informed Mr. Ahlat that he would be moved to a different state within a day

or two, pending removal to a third-party country. Mr. Ahlat claims his arrest and possible removal to a third-party country are unconstitutional and illegal.

If ICE moves him out of state, his ability to confer with counsel will be significantly curtailed, thus prolonging his unlawful detention. His immigration case was litigated in Utah, and his immigration attorneys are also in Utah, so witnesses and evidence that may need to be produced at a hearing are all in Utah. Additionally, Mr. Ahlat currently needs eye surgery as a result of concussions he has received, or he will lose his eyesight. All of his doctors are located in Utah, so a move to another state would likely prevent him from getting needed care. For these reasons, an out-of-state transfer will cause irreparable harm.

Courts around the country are granting such orders to protect their jurisdiction and the right to counsel. “[T]ransfer of Petitioner to another district could interfere with his access to counsel and ability to participate in the proceedings.” *Tran v. Bondi, et al.*, No. CV25-1897-JLR-BAT, dkt. 6 at 3 (W.D. Wash. Oct. 7, 2025) (*sua sponte* issuing such an order in a § 2241 case involving an ICE detainee). And this court has “inherent power to preserve its ability to hear the case.” *Alves v. U.S. Dep’t of Just.*, 2025 WL 2629763, at *5 (W.D. Tex. Sept. 12, 2025) (same). These orders are hardly uncommon. *See, e.g., M.M. v. Wamsley*, 2025 WL 3053023, at *1 (W.D. Wash. Oct. 31, 2025) (same); *Bustos v. Raycraft*, 2025 WL 3022294, at *2 (E.D. Mich. Oct. 29, 2025); *Ferro v. Hyde*, No. 2025 WL 3003708, at *1 (D. Me. Oct. 27, 2025) (order issued same day petition was filed); *Lopez Pop v. Noem*, 2025 WL 3050095, at *7 (C.D. Cal. Oct. 3, 2025); *Singh v. Delaney Hall*, 2025 WL 2772644, at *1 (D.N.J. Sept. 29, 2025); *Hom v. Ceja*, 2025 WL 2801449, at *2 (D. Colo. Sept. 17, 2025).

In order to preserve this court’s jurisdiction over the pending petition and to ensure Mr.

Ahlat has adequate access to counsel, Mr. Ahlat requests that he not be transferred out of this jurisdiction while his petition is pending.

Because of the urgency to file this petition, it is not yet clear who will represent Respondents, so undersigned counsel has been unable to confer with opposing counsel on this motion. If the court is unwilling to prohibit a transfer during the pendency of the petition without hearing first from Respondents, it should at least prevent the transfer pending a response and reply to this motion.

DATED this 16th day of December 2025.

/s/ Benjamin C. McMurray
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Assistant Federal Public Defender