

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT ALABAMA

MARIA ESTELA TETLA MARTINEZ)

Petitioner,)

vs.)

SCOTT BYRD, *Sheriff, Coffee County*)
Detention Center;)

MELLISSA HARPER, *ICE New Orleans*)
Field Office Director;)

TODD LYONS, *in his official capacity as Acting*)
Director of Immigration and Customs)
Enforcement; and)

KRISTI NOEM, *Secretary of Homeland Security*)
And PAMELA BONDI, *U.S. Attorney General.*)

Respondent.)

CASE NO.:
1:26-cv-00045-BL

**PETITIONER'S EMERGENCY MOTION TO ENJOIN TRANSFER
PENDING TRO HEARING**

Petitioner respectfully moves this Court, pursuant to 28 U.S.C. §§ 2241, 2243, 1651(a)

(All Writs Act), and Federal Rule of Civil Procedure 65, for an order:

1. Immediately enjoining Respondents, their agents, and any person acting in concert with them from transferring Petitioner outside of Alabama or into non-federal custody before the TRO hearing presently set for Thursday, January 29, 2026, or until further order of this Court; and
2. Directing expedited consideration of this motion on an emergency basis, including issuance of interim relief on an *ex parte* basis if necessary to prevent an imminent transfer that would frustrate the Court's jurisdiction and the effectiveness of the

scheduled TRO hearing.

Grounds for Emergency Relief (Summary)

Emergency relief is necessary to preserve this Court's jurisdiction and to prevent irreparable harm. Petitioner has a habeas/TRO petition pending before this Court challenging the legality of her civil immigration arrest and detention. If Respondents transfer her outside this District, the Court's ability to adjudicate the pending petition and to afford effective relief will be substantially impaired or mooted, given the immediate-custodian and district-of-confinement rules that govern habeas jurisdiction.

Absent an injunction, Petitioner faces irreparable injury in the form of loss of meaningful access to this Court and disruption of the scheduled January 29, 2026 TRO hearing, separation from her family and community in this District, and serious interference with ongoing representation by current counsel. Monetary damages cannot remedy these harms.

The Court has ample statutory and equitable authority—under 28 U.S.C. §§ 2243 and 1651(a), and Rule 65—to maintain the status quo, protect its prospective jurisdiction, and ensure that its orders are not rendered futile by unilateral transfer decisions taken by Respondents while this case is pending.

Petitioner was originally confined at the Coffee County Detention Center in New Brockton, Alabama, within the Middle District of Alabama, under the custody and control of Respondents. Today, she has already been transferred to Pickens County, Alabama. She has been told she will be transferred to Louisiana tomorrow, on January 27, 2026. This Court has set Petitioner's Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction for hearing on Thursday, January 29, 2026.

Petitioner's underlying habeas petition alleges that she was seized without a warrant or

lawful statutory authority and that she is being improperly classified and held under the wrong detention statute. If Respondents transfer her to an out-of-district facility—or to other custody—before the January 29 hearing, this Court’s ability to exercise effective habeas jurisdiction and to enforce any ultimate relief would be jeopardized, and Petitioner risks rapid removal or relocation without further notice.

Legal Argument (Injunction Standard Applied to Transfer)

Courts have inherent and statutory authority to protect their jurisdiction and to prevent actions that would defeat or impair the exercise of their power to grant effective relief. The All Writs Act, 28 U.S.C. § 1651(a), authorizes federal courts to issue “all writs necessary or appropriate in aid of their respective jurisdictions,” including orders restraining the transfer of habeas petitioners while their cases are pending. See, e.g., principles recognized in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), regarding the immediate-custodian and district-of-confinement rules.

Several recent immigration habeas cases illustrate this practice. In *Lopez v. Hardin*, the Middle District of Florida granted a TRO in a materially similar § 2241 challenge brought by a long-term interior resident misclassified under § 1225(b)(2), and “temporarily **enjoin[ed]** Respondents from **transferring** or relocating Lopez outside the jurisdiction of the Middle District of Florida pending a ruling on the habeas petition,” specifically to prevent removal or out-of-district transfer from mooted the case. The Northern District of Georgia, in *Rojano Gonzalez v. Sterling*, NO. 1:25-CV-6080-MHC, (N.D. Ga., Oct. 25, 2025), first entered an order restraining ICE from removing the petitioner from that district (ECF No. 6) and, on reconsideration, reaffirmed its power to maintain that anti-transfer / anti-removal protection while adjudicating the habeas petition. 2025 WL 3145764 (N.D. Ga., Nov. 3, 2025).

District-wide standing and case-specific orders in the District of Maryland, District of Oregon, and District of Massachusetts likewise use the All Writs Act to bar removal and to require notice and a short pause before any out-of-district transfer of habeas petitioners, expressly “to preserve existing conditions and the potential jurisdiction of this Court over pending matters while the Court determines the scope of its authority.”

Courts within the Tenth Circuit have recognized the same authority. In *Molina Ochoa v. Noem*, No. 1:25-cv-00881-JB-LF, 2025 WL 3125846 (D. N.M., Nov. 7, 2025) while the magistrate judge ultimately recommended denying an anti-transfer injunction on the specific facts there, the court acknowledged that other judges had properly relied on the All Writs Act to enjoin ICE from moving habeas petitioners out of the district in order “to retain jurisdiction,” citing *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), *Ex parte Endo*, 323 U.S. 283 (1944) and related authority. Even where courts conclude that transfer will not, on a given record, destroy jurisdiction because another respondent remains in the district, they do not dispute the power to issue anti-transfer relief when necessary to prevent evasion of habeas review or to avoid mootng the case. There are more examples from around the country of similar orders. Such relief does not second-guess the merits of any discretionary placement decision; it simply preserves this Court’s habeas jurisdiction and ensures that its eventual judgment is not rendered ineffectual by the unilateral relocation of the petitioner beyond this District.

Petitioner easily satisfies the standards for temporary injunctive relief as applied to transfer. First, she has at least a substantial likelihood of success on her threshold contention that this Court has jurisdiction under 28 U.S.C. § 2241 and that transfer out of the District before the TRO hearing would undermine or moot that jurisdiction. Second, the threatened transfer constitutes irreparable harm because once Petitioner is moved—particularly if moved out of the

District or toward removal—the Court may no longer have practical ability to enforce its orders, and Petitioner will lose access to her chosen counsel and family.

Third, the balance of equities strongly favors maintaining the status quo. Preserving Petitioner's current place of confinement for a brief, defined period imposes minimal burden on Respondents, who remain free to litigate the merits at the January 29 hearing. By contrast, transfer would inflict severe, non-compensable harm on Petitioner and effectively frustrate the Court's scheduled consideration of her TRO motion. Finally, the public interest is served by ensuring orderly judicial review, preventing potential evasion of habeas jurisdiction through strategic transfers, and upholding respect for the judicial process.

Petitioner respectfully requests that the Court rule on this motion on an emergency basis, before any transfer occurs. To the extent necessary to prevent an imminent transfer, Petitioner asks that the Court issue an interim ex parte order temporarily enjoining any transfer pending a full ruling.

Counsel for Petitioner certifies that, given the emergency nature of this motion and the risk of imminent transfer, she has notified counsel for Respondents by email earlier today regarding the relief requested herein. To the extent relief must issue before Respondents can be heard, Petitioner respectfully requests that the Court grant temporary ex parte relief to preserve its jurisdiction and the status quo.

Respectfully Submitted,

This 26th day of January, 2026.

/s/ Karen Weinstock

Karen Weinstock

Attorney for Petitioner (admitted pro hac vice)

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of January, 2026, this Foregoing Document was served, via electronic delivery to Respondents' counsel via the CM/ECF system, which will forward copies to Counsel of Record.

/s/ Karen Weinstock

Karen Weinstock

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