

**FILED**

**JAN 20 2026**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

JOAN KANE, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY naa, DEPUTY

OLEANNYS PINA ALVARADO,  
Petitioner,

Civil Action No.

v.

Immigration No. A 

KRISTI NOEM, in her official capacity as  
Secretary of the Department of Homeland  
Security;  
TODD LYONS, in his official capacity as  
Acting Director of U.S. Immigration and  
Customs Enforcement;  
ICE FIELD OFFICE DIRECTOR,  
ENFORCEMENT AND REMOVAL  
OPERATIONS;  
WARDEN, DIAMONDBACK  
CORRECTIONAL FACILITY,

PLAINTIFF'S ORIGINAL VERIFIED  
PETITION FOR WRIT OF HABEAS  
CORPUS PRO SE  
UNDER 28 U.S.C. § 2241

Respondents.

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER  
AND NON-TRANSFER ORDER  
(All Writs Act, 28 U.S.C. § 1651) — PRO SE**

**I. INTRODUCTION**

1. Petitioner Oleannys Pina Alvarado respectfully moves this Court for an Emergency Temporary Restraining Order and Non-Transfer Order to preserve this Court's jurisdiction over her pending Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241.
2. Petitioner is currently detained at Diamondback Correctional Facility in Watonga, Oklahoma, within the jurisdiction of this Court. She is in the physical custody of U.S. Immigration and Customs Enforcement and remains subject to transfer at any time.

3. ICE has already demonstrated its authority and practice of transferring Petitioner across state lines during the course of her detention. Following her arrest, Petitioner was transferred from Oklahoma to Texas and subsequently transferred again before being confined in Oklahoma. This pattern establishes a real and imminent risk of further transfer.
4. Absent immediate injunctive relief, Respondents may transfer Petitioner outside this District at any time, which would divest this Court of jurisdiction over the pending habeas proceedings, moot Petitioner's claims, and cause irreparable harm to her constitutional rights.
5. Immediate relief is necessary to preserve the status quo and to ensure that this Court retains jurisdiction to adjudicate Petitioner's constitutional claims.

## **II. JURISDICTION AND AUTHORITY**

6. This Court has authority to issue the requested Temporary Restraining Order and Non-Transfer Order pursuant to the All Writs Act, 28 U.S.C. § 1651, which empowers federal courts to issue all writs necessary or appropriate in aid of their respective jurisdictions.
7. Federal courts routinely issue non-transfer orders in habeas proceedings to prevent custodial authorities from frustrating judicial review through transfers that would strip the court of jurisdiction.
8. Where, as here, a habeas petition is pending and the petitioner faces a real risk of transfer, a non-transfer order is necessary to protect the Court's jurisdiction and prevent irreparable harm.

### **III. STANDARD FOR TEMPORARY RESTRAINING ORDER**

9. A Temporary Restraining Order is appropriate where the movant demonstrates a substantial likelihood of success on the merits, a substantial threat of irreparable harm absent relief, that the threatened injury outweighs any harm to the opposing party, and that the injunction serves the public interest.
10. Each of these factors weighs strongly in favor of granting the requested relief in this case.

### **IV. ARGUMENT**

#### **A. Likelihood of Success on the Merits**

11. Petitioner has demonstrated a substantial likelihood of success on the merits of her pending Petition for Writ of Habeas Corpus. As set forth in the Petition, Petitioner was arrested without a warrant and without probable cause while voluntarily appearing at a scheduled ICE appointment. Her seizure and continued detention violate the Fourth Amendment and the Fifth Amendment Due Process Clause.
12. Petitioner is detained while removal proceedings under INA § 240 remain pending and while her asylum application has not been adjudicated. Her detention is therefore governed by INA § 236(a), which expressly authorizes release on bond or conditional parole following an individualized custody determination. Despite this statutory framework, Respondents have failed to provide Petitioner with a meaningful individualized assessment of danger or flight risk.
13. Petitioner has no criminal history, has maintained lawful employment authorization, has resided stably in the community, and has demonstrated consistent compliance with immigration authorities. She appeared voluntarily for her ICE appointment and has never

attempted to evade enforcement. These undisputed facts strongly support her eligibility for release and underscore the unlawfulness of her continued detention.

14. The Board of Immigration Appeals has long recognized that detention under INA § 236(a) requires an individualized analysis of danger and flight risk. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). Recent BIA decisions do not authorize arbitrary detention and do not eliminate constitutional habeas review. Where detention is imposed without adequate procedural safeguards, habeas relief is warranted.
15. Because Petitioner has established clear constitutional and statutory violations, she has demonstrated a strong likelihood of success on the merits of her habeas claims.

#### **B. Irreparable Harm**

16. Petitioner continues to suffer irreparable harm as a result of her unlawful detention. The loss of physical liberty, even for a brief period, constitutes irreparable injury. Each additional day of confinement inflicts harm that cannot be remedied by monetary damages or subsequent relief.
17. In addition, Petitioner faces an ongoing and imminent risk of transfer outside this District. ICE has already transferred Petitioner across state lines during the course of her detention, demonstrating both its authority and willingness to do so. Another transfer would likely divest this Court of jurisdiction over the pending habeas proceedings and effectively moot Petitioner's claims.
18. The risk of transfer is not speculative. ICE routinely transfers detainees without notice, and Petitioner has no ability to prevent such action absent judicial intervention. If Petitioner is transferred outside the Western District of Oklahoma, she will be deprived of

meaningful access to this Court, and the Court's ability to adjudicate her constitutional claims will be irreparably impaired.

19. Courts have repeatedly recognized that the risk of jurisdiction-stripping transfers constitutes irreparable harm warranting immediate injunctive relief. A non-transfer order is therefore necessary to preserve the status quo and to ensure that this Court retains jurisdiction to decide the merits of Petitioner's habeas petition.

### **C. Balance of Equities**

20. The balance of equities weighs decisively in favor of granting the requested Temporary Restraining Order and Non-Transfer Order. Petitioner faces the ongoing deprivation of her physical liberty and the imminent risk of transfer that would deprive this Court of jurisdiction over her pending habeas petition.
21. By contrast, Respondents will suffer no cognizable harm from maintaining the status quo for the limited duration necessary for this Court to adjudicate the pending habeas proceedings. A non-transfer order does not require Respondents to release Petitioner or alter enforcement priorities; it merely requires Respondents to refrain from transferring Petitioner outside this District while judicial review is ongoing.
22. Petitioner has demonstrated compliance with immigration authorities, has appeared voluntarily for scheduled appointments, and has not engaged in any conduct suggesting flight risk or danger to the community. Preserving Petitioner's presence within this District imposes minimal administrative burden on Respondents and does not interfere with legitimate governmental interests.
23. The equities are particularly compelling where, as here, the risk of transfer threatens to nullify the Court's ability to adjudicate constitutional claims. Absent injunctive relief,

Petitioner would bear the entire risk of irreversible harm, while Respondents would bear none.

24. Accordingly, the balance of equities strongly favors the issuance of the requested relief.

**D. Public Interest**

25. The public interest is served by ensuring that constitutional claims are heard and adjudicated by a court of competent jurisdiction. Preserving the Court's ability to review the legality of detention under 28 U.S.C. § 2241 advances the rule of law and reinforces public confidence in the judicial process.

26. The public also has a strong interest in preventing arbitrary detention and ensuring that civil immigration detention complies with constitutional requirements. Safeguarding due process and Fourth Amendment protections serves not only the interests of the individual petitioner but the integrity of the legal system as a whole.

27. Issuing a Temporary Restraining Order and Non-Transfer Order promotes judicial economy by preventing jurisdictional manipulation and ensuring that habeas proceedings can be resolved on the merits. It prevents the unnecessary duplication of proceedings in multiple jurisdictions and avoids the risk of inconsistent rulings.

28. Finally, the requested relief is narrowly tailored and temporary. It preserves the status quo without impairing the government's ability to enforce immigration laws or to seek appropriate relief once the Court has ruled on the pending habeas petition.

29. For these reasons, the public interest strongly favors granting the requested Temporary Restraining Order and Non-Transfer Order.

**E. Preservation of Jurisdiction and Maintenance of the Status Quo**

30. The requested Temporary Restraining Order and Non-Transfer Order are necessary to preserve this Court's jurisdiction and to maintain the status quo pending adjudication of Petitioner's habeas petition.
31. Once a habeas petition has been properly filed in the district of confinement, the Court acquires jurisdiction over the petitioner and her immediate custodian. Transfers effected during the pendency of habeas proceedings risk divesting the Court of jurisdiction and frustrating judicial review.
32. ICE has already transferred Petitioner across state lines during her detention, demonstrating that the risk of further transfer is real and imminent. Without judicial intervention, Respondents retain unilateral authority to move Petitioner at any time, thereby impairing this Court's ability to resolve the constitutional claims properly before it.
33. The purpose of the requested relief is not to secure release or to adjudicate the merits of the habeas petition prematurely. Rather, it is to preserve the status quo so that the Court may exercise its jurisdiction fully and fairly.
34. Federal courts routinely issue non-transfer orders under the All Writs Act where necessary to protect their jurisdiction and prevent custodial authorities from mooting habeas proceedings through transfer. The requested relief is therefore consistent with long-established judicial practice.
35. Absent a non-transfer order, Petitioner faces a substantial risk that her constitutional claims will never be adjudicated by this Court. Preserving jurisdiction through narrowly tailored injunctive relief is both appropriate and necessary under these circumstances.

**V. REQUEST FOR RELIEF**

WHEREFORE, Petitioner Oleannys Pina Alvarado respectfully requests that this Court:

- A. Issue an immediate Temporary Restraining Order prohibiting Respondents from transferring Petitioner outside the territorial jurisdiction of the United States District Court for the Western District of Oklahoma while her Petition for Writ of Habeas Corpus is pending;
- B. Order Respondents to provide advance written notice to the Court and to Petitioner prior to any proposed transfer of Petitioner;
- C. Grant such other and further relief as the Court deems just and proper.

**VI. VERIFICATION**

I, Oleannys Pina Alvarado, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Date: 01/05/2026

Signature: Oleannys Pina

OLEANNYS PINA ALVARADO

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Petitioner, Pro Se

**VII. CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of this Emergency Motion for Temporary Restraining Order and Non-Transfer Order by U.S. Mail on the appropriate offices of U.S. Immigration and Customs Enforcement and the Office of the Principal Legal Advisor.

Date: 01/05/2026

Signature: Olennys Riza

Petitioner, Pro Se