

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

MARTHA LILIANA CHICAIZA
MOSQUERA,

Petitioner,

v.

MARY DE ANDA-YBARRA, Field Office
Director of Enforcement and Removal
Operations, El Paso Field Office, Immigration
and Customs Enforcement; Warden of ERO El
Paso Camp East Montana;

TODD M. LYONS, *in his official capacity* as
Acting Director, Immigration and Customs
Enforcement, U.S. Department of Homeland
Security;

KRISTI NOEM, *in her official capacity* as
Secretary, U.S. Department of Homeland
Security; and,

PAMELA JO BONDI, *in her official capacity*
as Attorney General of the United States.

Respondents.

C/A No. 3:26-cv-136

MEMORANDUM IN OPPOSITION TO TRANSFER OF DIVISIONS

Federal Respondent on January 27, 2026, motioned the Court requesting it transfer the pending matter out of the El Paso Division to the San Antonio Division. Federal Respondents have not met their burden of showing that the transfer of this matter is clearly more convenient for either the parties or the Court consistent with 28 U.S.C. § 1404(b).

The Court already established its case management schedule when it issued its Order to Show Cause. The location of Petitioner is not dispositive or essential to the resolution of what is an issue of statutory interpretation petition. It is also an interpretation that the Court identified has having already rendered numerous times. There is a bit more nuance in this Petition, and Petitioner may have expanded the number of claims commensurate with the legal issues arising out of the current “Operation Metro Surge” in Minnesota. Nonetheless, any records that Federal Respondent needs about the apprehension and continued detention of Petitioner more likely than not are stored electronically or remain in Minnesota where Federal Respondents apprehended Petitioner. Federal Respondents, if they had complied with 8 C.F.R. § 287.3(a) and (d), would have created the relevant records in Minnesota or soon after her transfer to El Paso. The subsequent transfer a day before the Court’s order did not alter the ease of access to these records.

Federal Respondents continue to apprehend individuals and then transfer them without any identification or meaningful way of ascertaining their location.

Petitioner was in Minnesota one moment and then surfaced days later in El Paso. Petitioners are reduced to relying on educated speculation when trying to divine where the filing location for a 2241 proceeding is. Respondents correctly acknowledge that Respondents were detaining Petitioner in El Paso. Transfers ad nauseum within the district have the same dilatory impact as transfers out of state or district once the matter begins in a particular location. This is why it is more common than not that once a Court takes hold of a habeas petition that it sees it through to the end.

Finally, in this particular case, there is real prejudice to Petitioner. Petitioner is seeking to expedite this litigation. In addition to her statutory claims, Petitioner is seeking to compel Respondent's compliance with ICE Directive 11032.4. Petitioner is a nursing mother. Respondents cannot demonstrate that release is prohibited because conditional parole under § 1226, humanitarian parole under § 1182(d)(5), or other remedies exist short of confinement. There are no exceptional circumstances that require continued confinement and enforcing separation between Petitioner and her US citizen child.

A transfer is an exercise of discretion that should benefit the Court and the parties to ensure there is reasonable access to witnesses, evidence, and to maintain a balance of the Court's limited resources. This transfer request has come after the Court has already expended resources, there are no witnesses to call, and the

material facts are not contested. A transfer at this time would require the San Antonio to expend resources to complete the transfer. This will cause a delay, which is incredibly prejudicial to Petitioner in this instance. Petitioner accordingly opposes Respondents' motion and asks that the current schedule remain unchanged. The Court should deny this motion.

DATED: January 27, 2026

Respectfully submitted,

/s/ David Wilson

David Wilson

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Admitted to the Western District of Texas

Attorney for Petitioner

SERVICE BY ECF

I, David Wilson, hereby certify that this filing has been served on Respondents via ECF. All Federal Respondents are represented and participating in ECF service.

DATED: January 27, 2026

Respectfully submitted,

/s/ David Wilson

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