

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CASE NO: 6:26-cv-00181

FRANCISCO DELGADO GARCIA,
Petitioner

v.

LOUIS A. QUINONES, JR., in his official
capacity as Warden of the Orange County Jail;

IMMIGRATION AND CUSTOMS ENFORCEMENT;

ICE FIELD OFFICE DIRECTOR,
ORLANDO FIELD OFFICE,

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY;

Respondents.

**EMERGENCY MOTION TO ORDER RETURN OF PETITIONER
TO THE MIDDLE DISTRICT OF FLORIDA**

Petitioner, Francisco Delgado Garcia by and through undersigned counsel, respectfully moves this Court for an Order directing Respondents to immediately return Petitioner to the Middle District of Florida, and in support states as follows:

I. BACKGROUND

1. On January 25, 2026, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 while physically detained within the Middle District of Florida.
2. The Petition was accepted and docketed by the Clerk, at which point this Court acquired jurisdiction over Petitioner and his custodian.
3. At the time of filing, Petitioner was in the custody and control of the Orange County Jail, within this District.

4. After the habeas petition was filed, and before the Court ruled on Petitioner's emergency request for relief, ICE transferred Petitioner without notice to counsel to an unknown ICE detention facility.
5. As a result of this transfer:
 - o Counsel has lost direct access to Petitioner;
 - o Petitioner's family has experienced difficulty communicating with him; and
 - o Petitioner's ability to meaningfully litigate his habeas petition has been materially impaired.
6. Respondents' unilateral post-filing transfer occurred while this Court's jurisdiction was active and pending.

II. THE COURT RETAINS JURISDICTION

7. It is black-letter law that jurisdiction over a habeas petition attaches at the time of filing and cannot be defeated by a post-filing transfer of the petitioner. This principle is rooted in Supreme Court precedent, including *Ex parte Endo*, *Rumsfeld v. Padilla*, and *Jones v. Cunningham*, and is consistently applied by circuit and district courts in the immigration context (*Ex parte Mitsuye Endo*, 323 U.S. 283 (1944); *Rumsfeld v. Padilla*, 542 U.S. 426 (2004);
8. Allowing the government to strip jurisdiction through unilateral transfers would:
 - a.) Frustrate judicial review;
 - b.) Encourage forum manipulation; and
 - c.) Undermine the core constitutional purpose of habeas corpus.
9. This Court retains full authority to:
 - a.) Direct the writ to any respondent with legal custody or control;
 - b.) Order Petitioner's production before the Court; and
 - c.) Order Petitioner's return to this District to preserve jurisdiction and due process.

III. RETURN IS NECESSARY TO PRESERVE HABEAS RELIEF

10. The post-filing transfer has prejudiced Petitioner's constitutional rights, including:
 - a.) Access to counsel;
 - b.) Ability to participate in his own defense; and
 - c.) Meaningful review of his detention.
11. The requested relief is narrow, necessary, and equitable: returning Petitioner to the District where jurisdiction properly attached.
12. Absent an order directing Petitioner's return, Respondents' conduct risks rendering this Court's habeas jurisdiction illusory.

WHEREFORE, Petitioner respectfully requests that this Court:

- a.) Order Respondents to immediately disclose Petitioner's location.
- b.) Order Respondents to immediately return Petitioner Francisco Delgado Garcia to the Middle District of Florida;
- c.) Direct Respondents to produce Petitioner as required by the Court;
- d.) Confirm that this Court retains exclusive jurisdiction over this habeas action; and
- e.) Grant such other and further relief as justice requires.

CERTIFICATE OF SERVICE

I hereby certify that on January 27th, 2026, I electronically served a copy of the foregoing on the Warden, Orange County Jail, 3723 Vision Blvd., Orlando, FL 32839 and ccd@ocfl.net, OCCDRecords@ocfl.net, michele.carpentiere@ocfl.net and ICE-Orlando Field Office Miami.Outreach@ice.dhs.gov , Orlando.DutyAtty@ice.dhs.gov .

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