

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BAYRON LOPEZ PEREZ,
Petitioner,

-v-

KENNETH GENALO, *et al.*,
Respondents.

26-CV-715 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Petitioner Bayron Lopez Perez filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 before this Court in the Southern District of New York. (ECF No. 1.) Lopez Perez’s petition alleges that he is currently detained at the Buffalo federal detention facility in Buffalo, New York, which is in the Western District of New York. (*Id.* ¶ 2.) However, the petition also alleges that he is “currently in the physical custody of the New York City Field Office of U.S. Customs and Immigration Enforcement.” (*Id.* ¶ 7.) Jurisdiction and venue in this habeas corpus action properly lie in the District in which the petitioner was detained at the time of filing of the petition. *See Ozturk v. Hyde*, 136 F.4th 382, 391 (2d Cir. 2025); *Khalil v. Joyce*, 771 F. Supp. 3d 268, 286-92 (S.D.N.Y. 2025).

To preserve the jurisdiction of this Court and a potential transferee court pending a ruling on the petition, the Court orders that **Petitioner shall not be removed from the United States absent further order.** *See, e.g., Khalil v. Joyce*, No. 25-CV-1935, 2025 WL 750599, at *1 (S.D.N.Y. Mar. 10, 2025) (citing cases); *see also, e.g., Du v. United States Dep’t of Homeland Sec.*, No. 25-CV-0644, 2025 WL 1317944, at *1 (D. Conn. Apr. 24, 2025) (“[A] federal court may temporarily enjoin immigration authorities from deporting individuals if it preserves the court’s jurisdiction over a case or cases.”). Moreover, in light of Petitioner’s interests in

participating in further proceedings before this Court and to facilitate resolution of the Petition, **Respondents shall not transfer Petitioner except to a facility within the Western District of New York, the Southern District of New York, the Eastern District of New York, or the District of New Jersey absent further order of this Court.** *See, e.g., Perez y Perez v. Noem*, No. 25-CV-4828, 2025 WL 1908284, at *2-3 (S.D.N.Y. June 13, 2025) (enjoining a *habeas* petitioner's transfer pending adjudication of his petition); *see also, e.g., Arostegui-Maldonado v. Baltazar*, No. 25-CV-2205, 2025 WL 2280357, at *14-16 (D. Colo. Aug. 8, 2025) (same); *Oliveros v. Kaiser*, No. 25-CV-7117, 2025 WL 2677125, at *8-9, *11 (N.D. Cal. Sept. 18, 2025) (same). This order will remain in effect unless and until it is vacated or modified by this Court or a transferee court.

Accordingly, Respondents are directed to file a letter by 5:00 pm today, January 28, 2026, stating the location of Petitioner at the time of filing of this Petition.

SO ORDERED.

Dated: January 28, 2026
New York, New York



J. PAUL OETKEN
United States District Judge