

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

**FERNANDO LOPEZ VASQUEZ**

Petitioner

v.

**ROBERT CERNA**, Acting Field Office  
Director of Dallas Field Office, U.S.  
Immigration and Customs Enforcement;  
**KRISTI NOEM**, Secretary of the U.S.  
Department of Homeland Security; and  
**PAMELA BONDI**, Attorney General of the  
United States, in their official capacities

Respondents.

Case No. 5:26-cv-00147

**PETITIONER'S REPLY TO RESPONDENTS' NOTICE OF PETITIONER'S  
LOCATION AND SUGGESTION OF JURISDICTIONAL DEFECT AND MOOTNESS**

Petitioner, Fernando Lopez Vasquez, by and through counsel, respectfully submits this Reply to Respondents' "Notice of Petitioner's Location and Suggestion of Jurisdictional Defect and Mootness" (Doc. 8). Respondents' position is factually incomplete, legally flawed, and premised on a transfer that occurred after Respondents received actual notice of this Court's involvement and Petitioner's intent to seek emergency injunctive relief.

**I. THE TRANSFER DOES NOT DEFEAT JURISDICTION WHERE  
RESPONDENTS HAD ACTUAL NOTICE AND EFFECTUATED A RUSHED  
TRANSFER**

Respondents argue that this Court lacks jurisdiction because Petitioner was transferred to Texas "prior to the filing and/or any notice of this suit." That assertion ignores critical facts demonstrating that **ICE and DHS had actual notice of this action and the requested TRO well before Petitioner was moved**, and that the transfer was executed despite that notice.

Courts routinely reject attempts to defeat habeas jurisdiction through rushed transfers once the government has notice of impending judicial review. See *Ex parte Endo*, 323 U.S. 283 (1944); *Padilla v. Rumsfeld*, 542 U.S. 426 (2004) (recognizing limits where transfer is used to manipulate jurisdiction).

Respondents' reliance on *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), is misplaced. *Padilla* addressed a circumstance in which the habeas petition was filed **after** the petitioner had already been transferred outside the district and where no respondent with legal authority over the detention remained subject to the court's jurisdiction. The Supreme Court expressly acknowledged, however, that jurisdictional limits do not apply where a transfer is used to **manipulate jurisdiction** or defeat judicial review. *Id.* at 441–42. That is precisely the circumstance presented here. Unlike in *Padilla*, Respondents had **actual notice** of Petitioner's pending habeas action and Emergency Motion for Temporary Restraining Order before effectuating the transfer, and Petitioner was moved while Respondents retained—and continue to retain—legal authority over his detention through ICE and DHS officials subject to this Court's jurisdiction. Under *Ex parte Endo*, 323 U.S. 283 (1944), this Court therefore retains jurisdiction and may direct the writ to a proper respondent within the district notwithstanding Respondents' post-notice transfer.

## **II. TIMELINE ESTABLISHING ACTUAL NOTICE TO ICE AND DHS BEFORE TRANSFER**

The following timeline is based on counsel's direct communications with ICE and contemporaneous court filings on January 28, 2026:

- **9:49 AM (Jan. 28, 2026):** Counsel received a call from Petitioner and spoke directly with an ICE officer regarding Petitioner's custody. Counsel specifically asked the officer to confirm that Petitioner remained in Oklahoma City. The ICE officer provided his email address for continued communication regarding Petitioner's placement and potential transfer. (Exhibit 1)

- **11:03 AM:** Counsel e-mailed the case opening documents in order to file the instant habeas petition in the Western District of Oklahoma. (Exhibit 2)
- **11:13 AM:** Counsel informed the ICE officer by email that a habeas petition was filed in the Western District of Oklahoma. Counsel also informed the ICE officer that a request for emergency relief would be filed as well requesting that Petitioner should not be transferred. (Exhibit 3)
- **2:46 PM:** Counsel received notification from the Western District of Oklahoma that the case had been opened. (Exhibit 4)
- **2:55 PM:** Counsel filed Petitioner's Emergency Motion for Temporary Restraining Order. (Exhibit 5)
- **2:56 PM:** Counsel immediately emailed the ICE officer who had contacted her earlier that day, attaching a copy of the filed TRO motion and reiterating that emergency relief had been sought to prevent transfer. (Exhibit 6)
- **3:00 PM:** Counsel formally served DHS through the DHS e-Service portal. (Exhibit 7)
- **3:06 PM:** Counsel received a notice from DHS's e-Service portal stating that the document had been accepted for Proof of Service of Process. (Exhibit 8)
- **3:13 PM:** The ICE officer responded by email stating:  
*"I forwarded your emails to the team that oversees placement for detainees."* (Exhibit 9)
- **5:22 PM:** This Court entered an Order requiring Respondents to provide at least seventy-two (72) hours' written notice before any removal, transfer, relocation, or movement of Petitioner. (Doc. 5)
- Despite the above notice, officers at Bluebonnet Detention Center later stated that Petitioner arrived in Anson, Texas the prior evening. Anson, Texas is approximately **3.5 hours by ground transport** from Oklahoma City.

This timeline establishes that **ICE and DHS had multiple hours of actual notice of this Court's involvement and the pending TRO request before effectuating the transfer.**

### **III. RESPONDENTS' MOOTNESS ARGUMENT FAILS**

Respondents' claim that the emergency motion is "moot" ignores the nature of the relief sought. Petitioner seeks:

1. Judicial review of detention without a bond hearing; and

2. Injunctive relief preventing transfer that interferes with access to counsel and meaningful judicial review.

The injury here is **capable of repetition yet evading review**, particularly where ICE transfers detainees immediately after notice of litigation. Moreover, the Court has already exercised jurisdiction by issuing an Order governing Respondents' conduct, including the 72-hour notice requirement.

#### **IV. EQUITABLE CONSIDERATIONS STRONGLY FAVOR THIS COURT RETAINING THE CASE**

Petitioner was detained in Oklahoma, communicated with counsel in Oklahoma, and sought emergency relief in Oklahoma. Respondents' after-the-fact transfer—executed despite actual notice—should not be rewarded by divesting this Court of jurisdiction.

Allowing such conduct would incentivize agencies to **move detainees immediately upon learning of judicial filings**, undermining habeas review and due process.

#### **V. CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that the Court:

1. Reject Respondents' suggestion of jurisdictional defect and mootness;
2. Retain jurisdiction over this matter; and
3. Enforce its prior Order, including the requirement of advance notice before any transfer.

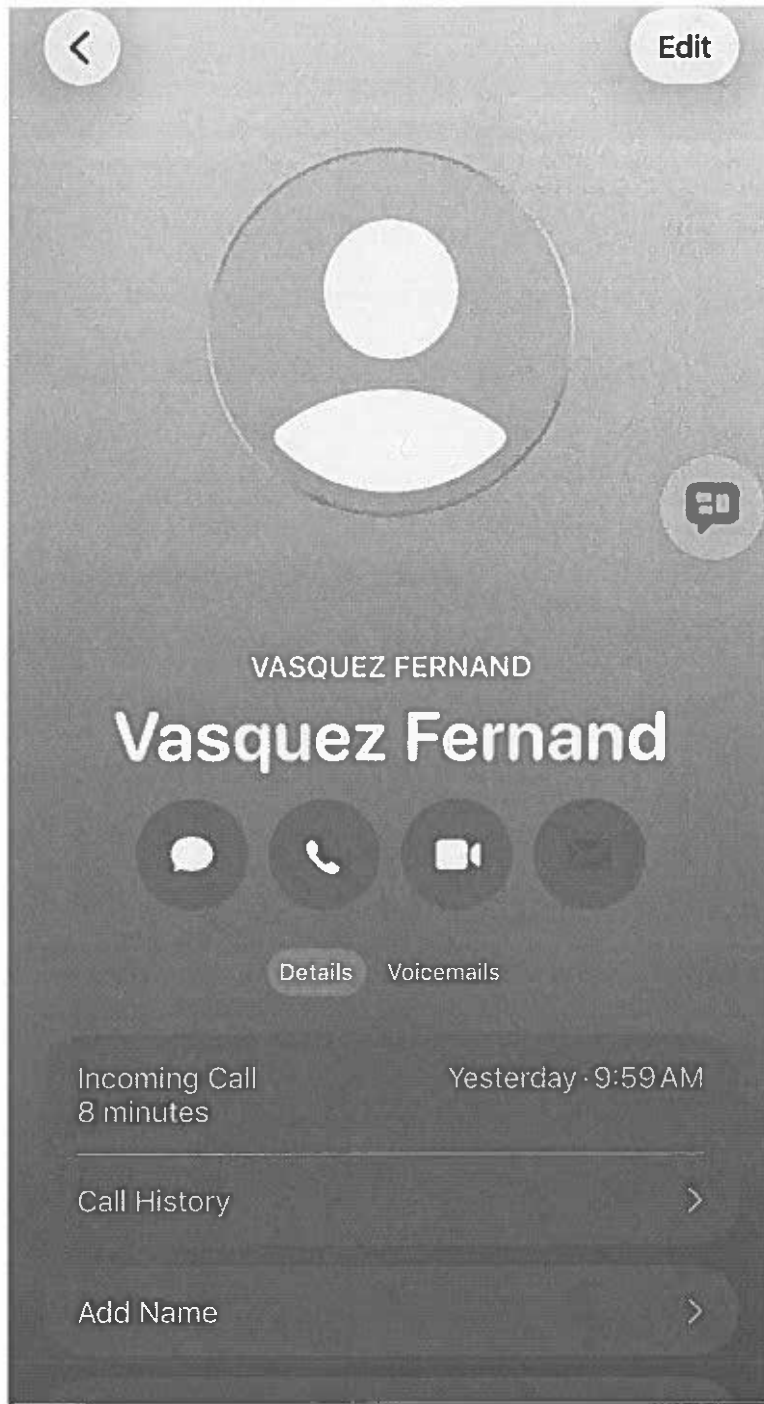
Respectfully submitted,

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Melissa@MedranoImmigrationFirm.com  
Counsel for Petitioner  
Dated: 1/29/2026

## **EXHIBIT 1**

9:49 AM Call from Petitioner to Counsel



**EXHIBIT 2**

11:03 AM Case opening e-mail to WDOK



**Melissa Medrano Henry...**  Wed, Jan 28, 11:03 AM (1 day ago)     
to CMECF ▾

Attached is a **new** Habeas Petition on behalf of Petitioner Fernando Lopez Vasquez. Thank you!

**Melissa Medrano Henry**  
*Attorney at Law*

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## **EXHIBIT 3**

11:13 AM E-mail informing ICE officer of the filing of the Habeas Petition and Motion for TRO

**Melissa Medrano Henry** <mel... Wed, Jan 28, 11:13 AM (1 day ago) ☆ ↶ ⋮  
to [REDACTED]

I did want to update you that my office filed a Habeas Petition and an Emergency TRO in the Western District of Oklahoma this morning.

The pending TRO requests that Mr. Lopez Vasquez **not be transferred outside the Western District of Oklahoma** while the Court considers the habeas petition seeking access to a bond hearing.

Thank you again,

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**EXHIBIT 4**

2:46 PM Case Opening Notification from  
WDOK

[REDACTED]



Wed, Jan 28, 2:46 PM (23 hours ago)



to me ▾

Good afternoon,

Case number CIV-26-147-G is now open and ready for you to pay the \$5.00 filing fee. This can be done over the phone, through the mail, or in person.

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**EXHIBIT 5**

2:55 PM Motion for TRO Filing

## Notice of Electronic Filing

The following transaction was entered by Henry, Melissa on 1/28/2026 at 2:55 PM CST and filed on 1/28/2026

**Case Name:** Lopez Vasquez v. Cerna et al

**Case Number:** 5:26-cv-00147-G

**Filer:** Fernando Lopez Vasquez

**Document Number:** 3

**Docket Text:**

**EMERGENCY MOTION for Temporary Restraining Order *TO PREVENT TRANSFER OF PETITIONER OUT OF THE WESTERN DISTRICT OF OKLAHOMA* by Fernando Lopez Vasquez. (Henry, Melissa)**

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**EXHIBIT 6**

2:56 PM Notice to ICE Officer of Motion for  
TRO with copy of Motion

**Melissa Medrano Hen...** Wed, Jan 28, 2:56 PM (23 hours ago)     
to 

Please see the attached Emergency Motion for TRO filed with the Western District. Thank you



**One attachment** • Scanned by Gmail   **Add to Drive**



**EXHIBIT 7**

3:00 PM Service of TRO through DHS e-  
Service

**ICEeService@ice.dhs.gov** Wed, Jan 28, 3:00 PM (23 hours ago)  
to me ▼



You have received an item to review in **eService**.

The item may be reviewed here:

[Item to Review](#)

Sincerely,

**eService Team**

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**EXHIBIT 8**

3:06 PM Accepted Service of Process from  
DHS e-Service



U.S. Immigration  
and Customs  
Enforcement

eService

Home

Send Documents

Received Documents

Update Profile

Sign Out

### Status of Documents Submitted to eService

## Only Documents Accepted Qualify for Proof of Service of Process

Print

The eService Team has processed your document(s). Please review the chart below for the status of each document submitted for processing.

✔ This indicates your document was accepted for Service of Process. ✔

✘ This indicates your document was rejected for processing. ✘

A Number: [REDACTED]

Processing Date: 01-28-2026 3:6:51 pm

Total Files: 1

Number of Accepted Files: 1 ✔

Number of Rejected Files: 0

#	File Name	Status
1	26.01.28 TRO.pdf	✔

Submission details include: Processing of Files for [REDACTED]

Processing Message from ICE: n/a

The eService Team...

**EXHIBIT 9**

3:13 PM E-mail confirming from ICE Officer that notice of Habeas and Motion for TRO was sent to parties responsible for Petitioner's transfer



Wed, Jan 28, 3:13 PM (23 hours ago)



to me ▾

I forwarded your emails to the team that oversees placement for detainees.

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