

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

JESUS GIL-SEGURA :

Petitioner, :

-against- :

KRISTI NOEM, IN HER OFFICIAL CAPACITY, :
SECRETARY, U.S. DEPARTMENT OF HOMELAND :
SECURITY; :

PAMELA BONDI, IN HER OFFICIAL CAPACITY, :
U.S. ATTORNEY GENERAL; :

TODD LYONS, IN HIS OFFICIAL CAPACITY, :
ACTING DIRECTOR, IMMIGRATION AND :
CUSTOMS ENFORCEMENT; :

MARY DE ANDA-YBARRA, IN HER OFFICIAL :
CAPACITY ICE FIELD OFFICE DIRECTOR :
DETENTION AND REMOVAL; :

WARDEN, ERO EL PASO CAMP EAST MONTANA :
:

Respondents.

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**PETITION FOR
WRIT OF HABEAS CORPUS**

Case No. 3:26-cv-216

UNOPPOSED MOTION TO TRANSFER DISTRICT FOR WRIT OF HABEAS
CORPUS

Petitioner, through undersigned counsel, respectfully moves this Court for an order transferring this habeas corpus action to the United States District Court for New Mexico. Respondents do not oppose this motion.

Background

Petitioner is currently in custody at Otero County Processing Center, 26 McGregor Range Road, Chaparral, NM 88081 which is located within the United States District Court of New Mexico. *See* Exhibit 1- I-830 and ICE Locator. Petitioner filed the instant petition for a writ of habeas corpus under 28 U.S.C. § 2241 in the United States District Court for the Western District- El Paso Division on January 28th, 2026 naming Respondents. The operative petition challenges unlawful detention, and the relevant custodial records and witnesses are now located within the United States District Court of New Mexico- Las Cruces Division as a result of a transfer of Petitioner from ERO- El Paso East Montana to Otero County Processing Center. For the reasons set forth below, transfer to the United States District Court of New Mexico is appropriate and unopposed.

Legal Basis

Transfer of a habeas corpus proceeding to another district is authorized where venue and the interests of justice favor adjudication in the district of confinement or where the respondent is located. *See* 28 U.S.C. § 1404(a). Venue considerations and the court's inherent authority support transfer to the district where the custodian, records, and relevant witnesses are found. *See* 28 U.S.C. § 1404(a). Additionally, courts may transfer for convenience of parties and witnesses and in the interest of justice. *See* 28 U.S.C. § 1404(a), *see also Bell v. Watkins*, 692 F.2d 999 (1982) (the court explained that § 2241(d) "grants jurisdiction of habeas corpus petitions to the courts of both the district in which

the petitioner is incarcerated and the district in which he was convicted" and "authorizes transfers from one of the districts with jurisdiction to the other 'in the exercise of discretion and in the furtherance of justice'")

Argument

Convenience of Parties and Witnesses. Petitioner is confined in the United States District Court of New Mexico- Las Cruces Division, and Respondent and the relevant custodial officials are located there. The records concerning Petitioner's confinement and any necessary witnesses are likewise within that district. Proceeding in the United States District Court of New Mexico- Las Cruces will minimize logistical burdens and costs for all involved.

Interest of Justice

The district of confinement is the most appropriate forum to adjudicate the legality of custody because it has ready access to the custodian, institutional records, and potential witnesses. Transferring this matter will promote efficient case management and avoid unnecessary delays or disputes over subpoenas and production of records.

Lack of Prejudice and Non-Opposition

Respondents do not oppose transfer. No party will be prejudiced by transfer, and the requested relief will streamline resolution of the petition. Accordingly, transfer to the United States District Court of New Mexico- Las Cruces Division is warranted.

Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Court enter an order transferring this habeas corpus action to the United States District Court of New Mexico- Las Cruces Division and granting such further relief as is just and proper.

Date: February 17, 2026

Respectfully submitted,

/s/ David H. Square

DAVID H. SQUARE, ESQ.

NM FED No. 26-88

SD TX FED. No. 1155619

TX S. Ct. 24076013

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CERTIFICATE OF CONFERENCE

I certify that on February 17, 2026, counsel for Petitioner, David H. Square, conferred with counsel for Respondents, Fidel Esparza, regarding Petitioner's Unopposed Motion to Transfer District in this habeas corpus proceeding. During that conference both by phone and email, Respondents' counsel stated that Respondents do not oppose the requested relief.

CERTIFICATE OF SERVICE

I hereby certify that on February 17th, 2026, I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court for the Western District of Texas by using the CM/ECF system. Participants in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ David H. Square
David H. Square