

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

OSEAS SALATIEL VASQUEZ RAMIREZ,

Petitioner,

v.

HERMAN ROGERS,

in his official capacity as the Warden of the Florida
Soft Side South AKA:

Alligator Alcatraz Detention Center;

GARRETT J. RIPA,

is the Field Office Director of ICE's Enforcement &
Removal Operations for the Miami area
(which includes ICE facilities in South Florida).

Respondents.

Case No. 1:26-cv-20574

DHS A#



**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER AND TO PREVENT
TRANSFER OUTSIDE THE
SOUTHERN DISCTRIC OF
FLORIDA**

Petitioner Oseas Salatiel Vasquez Ramirez, by and through undersigned counsel, respectfully moves this Court for a Temporary Restraining Order prohibiting Respondents from transferring him outside the Southern District of Florida while his Petition for Writ of Habeas Corpus is pending. This Motion is narrowly tailored and seeks only to preserve this Court's jurisdiction and the status quo. Petitioner does not seek release, a bond hearing, or any adjudication of the merits through this Motion.

Mr. Vasquez is currently detained by U.S. Immigration and Customs Enforcement at the Florida Soft Side South Detention Facility, within the territorial jurisdiction of this Court. On the same date as this Motion, he filed a Petition for Writ of Habeas Corpus challenging the legality of his continued detention, including the government's failure to file a Notice to Appear or initiate removal proceedings despite detaining him for nearly thirty days.

ICE retains broad discretion to transfer detainees between facilities, often without advance notice to counsel or the Court. If Mr. Vasquez is transferred outside this District while his habeas petition is pending, this Court's ability to exercise effective jurisdiction over his immediate custodian will be materially impaired. Transfer would risk rendering this Court unable to grant meaningful relief, frustrate judicial review, and create unnecessary procedural obstacles to the adjudication of his claims. Furthermore, transferring Petitioner outside this District would severely impair his access to counsel and family support, as his attorney, lawful permanent resident spouse, and close family members are all located in South Florida and currently able to maintain regular in-person contact with him.

The law is clear that habeas jurisdiction depends on the petitioner being within the territorial jurisdiction of this Court. The Supreme Court in *Ahrens v. Clark* held that a district court lacks jurisdiction to issue a writ of habeas corpus where the detainee is not within its territorial jurisdiction. 335 U.S. 188, 194 (1948). Although that case was partially abrogated in subsequent habeas jurisprudence, the core territorial principle persists: jurisdiction may be impeded or defeated if the petitioner is moved outside the district after filing.

Moreover, subsequent litigation — including efforts by the government to transfer detained individuals shortly after filing habeas petitions — confirms the risk that out-of-district

transfers frustrate meaningful judicial review, access to counsel, and the Court's power to adjudicate the petition. See *Khalil*, Case No. 1:25-cv-1935-JMF (S.D.N.Y.) (ICE transfer tactics challenged after habeas filing seeking to disrupt jurisdiction and counsel access).

Immigration practitioners recognize that transfers undertaken after a habeas petition is filed can impair access to courts and counsel. Courts have issued temporary restraining orders or related provisional relief in litigation involving similar practices to preserve the status quo pending adjudication of the underlying habeas claims.

The harm to Petitioner here is immediate and irreparable. Transfer would separate him from counsel, disrupt access to evidence and witnesses located in this District, and potentially place him in a facility where Immigration Court access and legal resources are substantially diminished. Once transferred, these harms cannot be undone. Courts have consistently recognized that the risk of transfer in immigration habeas cases justifies temporary injunctive relief to preserve jurisdiction.

Petitioner has demonstrated a substantial likelihood of success on the jurisdictional and statutory claims raised in his habeas petition. At minimum, those claims present serious and substantial legal questions, including detention without a filed charging document and the absence of Immigration Court jurisdiction. The limited relief requested here merely preserves the Court's ability to decide those issues.

The balance of equities strongly favors Petitioner. The requested order does not require release, does not interfere with ICE's custody operations, and does not impose any meaningful

administrative burden. It simply requires that Respondents refrain from transferring Mr. Vasquez out of this District for a limited period while the Court considers his habeas petition.

The public interest is served by ensuring that individuals are not moved in a manner that undermines judicial review or frustrates the exercise of habeas jurisdiction. Preserving the status quo promotes orderly adjudication and respects the constitutional role of the federal courts.

Given the risk of imminent transfer and the irreparable harm that would result, Petitioner respectfully requests that this Court issue a Temporary Restraining Order prohibiting Respondents, their agents, and anyone acting on their behalf from transferring him outside the Southern District of Florida while his habeas petition is pending, or, in the alternative, schedule an expedited hearing on this Motion.

Respectfully Submitted,

/s/ Caridad Acosta

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Pro Hac Vice

Pursuant to Local Rule 7.1(a)(3), undersigned counsel certifies that due to the emergency nature of this Motion and the imminent risk of transfer, counsel has not yet been able to meaningfully confer with Respondents but will do so promptly upon filing.

Dated: January 29, 2026

Respectfully Submitted,

/S/ Caridad Acosta

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Certification Pursuant to Fed. R. Civ. P. 65(b)(1)(B)

I, Caridad Acosta, hereby certify that undersigned counsel has not provided advance notice of this Motion to Respondents because of the imminent risk that Petitioner may be transferred outside this Court's jurisdiction at any time, which would materially impair this

Court's ability to exercise habeas jurisdiction and would cause immediate and irreparable harm.

Undersigned counsel will promptly provide notice upon filing.

Respectfully Submitted,

/S/ Caridad Acosta

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing Motion for Emergency Temporary Restraining Order together with all attachments, with the Clerk of the Court using the CM/ECF system. Notice of this filing was served on all counsel of record, including the Office of the United States Attorney, via the Court's CM/ECF system.

Respectfully Submitted,

Respectfully Submitted,

/S/ Caridad Acosta

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