

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RICARDO DE LEON TREJO,

Petitioner,

v.

SCOTT LADWIG, et al.,

Respondents.

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Case No. 3:26-cv-00047-CEA-DCP

**EMERGENCY MOTION FOR RELIEF FROM THIS COURT'S ORDER [ECF 4]
ENJOINING RESPONDENTS FROM REMOVING PETITIONER FROM THE
EASTERN DISTRICT OF TENNESSEE**

The United States, by and through Francis M. Hamilton III, United States Attorney for the Eastern District of Tennessee, and on behalf of Federal Respondent Scott Ladwig,¹ respectfully moves this Court for Emergency Relief from its February 4, 2026 Order [ECF 4] enjoining Respondents from removing Petitioner from the Eastern District of Tennessee.

On January 27, 2026, Petitioner was taken into custody and detained by ICE pending removal proceedings. [See generally Petition, ECF 1, at PageID 1-8]. Petitioner was held temporarily at the Knox County Jail in this district. Petitioner filed his Petition for Writ of Habeas Corpus on February 2, 2026. [Petition, ECF 1.]. On February 4, 2026, in response to an Emergency Motion filed by Petitioner [ECF 2], this Court entered an Order [ECF 4] “[enjoining] Respondents from removing Petitioner from the Eastern District of Tennessee or the jurisdiction of this Court for fourteen (14) days following entry of this Order, or until the petition is fully and

¹ This Motion is filed on behalf of Federal Respondent Scott Ladwig. 28 U.S.C. § 517 allows the United States Attorney to appear in court to attend to the United States’ interests. Consistent with that statute and *Roman v. Ashcroft*, 340 F.3d 314, 319-20 (6th Cir. 2003), this filing attends to the United States’ interests to the extent that the petition also names Tom Spangler, Knox County Sheriff, as a respondent.

finally disposed, whichever occurs first.” [ECF 4 at PageID 27]. Prior to entry of the Court’s Order, however, Petitioner had already been transferred from the Knox County Detention Facility to a facility in Etowah, Alabama.

The undersigned counsel are informed that Petitioner was booked into the facility in Etowah, Alabama on the morning of February 4, 2026. The undersigned counsel are further informed that this transfer was initiated because the Knox County facility is not a facility that is owned and operated by ICE, but is a local facility that is used to temporarily house detainees for transport to a longer term facility. Indeed, there are no ICE detention facilities located in the Eastern District of Tennessee. Moreover, the undersigned counsel are informed that Petitioner is currently scheduled to appear for an initial hearing before an immigration judge on February 5, 2026. Accordingly, Respondents respectfully move this Court for Emergency Relief to lift its February 4, 2026, Order enjoining Petitioner’s removal from the Eastern District of Tennessee.

In sum, Petitioner sought a temporary restraining order precluding his removal from the Eastern District of Tennessee primarily to prevent this Court from losing jurisdiction should he be moved and detained at another location outside of this Court’s jurisdiction, and further to preserve his access to counsel. [ECF 2 at PageID 18, 21]. But moving the Petitioner outside of this district does not deprive this Court of jurisdiction. It is well established that “when the Government moves a habeas petitioner after she properly files a petition naming her immediate custodian, the District Court retains jurisdiction and may direct the writ to any respondent within its jurisdiction who has legal authority to effectuate the prisoner’s release.” *Rumsfeld v. Padilla*, 542 U.S. 426, 440 (2004). Accordingly, the Court need not restrict Petitioner’s movement to maintain jurisdiction over the petition. *Id.*; see also *White v. Lamanna*, 42 F. App’x 670, 671 (6th Cir. 2002) (“A district court’s jurisdiction generally is not defeated when a prisoner who has

filed a § 2241 petition while present in the district is involuntarily removed from the district while the case is pending.”); *Carmona v. Noem*, No. No. 1:25-cv-1131, 2025 WL 2992222, at *8-9 (W.D. Mich. Oct. 24, 2025) (declining to grant alien’s request for an order that he remain within the district where he filed his habeas petition); *Zhu v. Genalo*, No. 1:25-CV-06523 (JLR), 2025 WL 2452352, at *3 (S.D.N.Y. Aug. 26, 2025) (retaining jurisdiction over alien’s habeas proceedings after he had been moved to another district).

Moreover, ICE has policies and procedures in place to provide detainees with access to their counsel.²

For reasons that Respondent will explain in detail in the forthcoming Response to the Petition, Petitioner’s current detention is lawful, and the Petition should be denied and dismissed. In the meantime, however, because this Court will retain jurisdiction over Petitioner during the pendency of the habeas proceedings and Petitioner will have access to counsel, Respondent respectfully requests that the Court lift its Order enjoining Petitioner’s removal from this judicial district.

Respectfully submitted,

FRANCIS M. HAMILTON III
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² See <https://www.ice.gov/detain/attorney-information-resources>.

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2026, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to counsel for the Petitioner.

/s/ Robert C. McConkey III

Robert C. McConkey III
Assistant United States Attorney