

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RICARDO DE LEON TREJO,

Petitioner,

v.

CHRISTOPHER S. BULLOCK, Director of
the New Orleans Field Office of ICE, in his
official capacity; TOM SPANGLER,
Sheriff of Knox County, Tennessee, in his
official capacity,

Respondents.

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

**EMERGENCY MOTION FOR RELIEF FROM THIS COURT'S ORDER ENJOINING
PETITIONER'S REMOVAL 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 Christopher Bullock,¹ respectfully renews its request for Emergency Relief from the Court's February 4, 2026 Order (Doc. 4) enjoining Respondents from removing Petitioner from the Eastern District of Tennessee ("EDTN"). The Court previously denied (Doc. 12) the United States' first emergency motion for relief on this issue (Doc. 7). However, the United States respectfully submits that additional information has come to light to support this renewed Motion.

Consistent with the Notice Regarding Petitioner's Custody Status (Doc. 24) filed earlier today, Petitioner is scheduled for transport to Gadsden, Alabama by plane tomorrow, February 10,

¹ This Motion is filed on behalf of Federal Respondent Christopher Bullock. 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, 219-20 (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.

2026. (*See also* Declaration of Nathan Craiger (“Craiger Dec.”), attached hereto as Exhibit 1, at ¶ 5). From there, Petitioner is scheduled to be transported back to EDTN in order to comply with the Court’s previous orders. To the extent the Court continues to require Petitioner’s transport back to EDTN, the United States will, of course, continue as planned to comply. However, according to ICE’s Enforcement and Removal Operations (“ERO”), upon inquiry, there are currently no facilities in EDTN available to house Petitioner in ICE custody, and the nearest detention facility currently available to house Petitioner in ICE custody on a short-term basis is the Etowah County Jail in Gadsden, Alabama. (Craiger Dec. ¶ 6). Furthermore, the United States Attorney’s Office (“USAO”) understands that neither the Etowah County Jail, nor any facility in EDTN, has the ability to facilitate Petitioner’s long-term detention or remote participation at a hearing before an immigration judge in his removal proceedings.² As such, those removal proceedings are currently unscheduled.

The United States has filed its Response to Petitioner’s petition for habeas corpus, in which it requests that the petition be denied because Petitioner is lawfully detained under 8 U.S.C. § 1225 pending removal proceedings. (Doc. 25). This past Friday, February 6, 2026, the Fifth Circuit Court of Appeals held in favor of the government on this issue. *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330, --- F.4th --- (5th Cir. Feb. 6, 2026). This issue is presently on appeal in the Sixth Circuit. *Reyes v. Raycraft*, No. 25-1982 (6th Cir.).

As stated in the federal government’s prior Emergency Motion (Doc. 7), which is

² In contrast, the USAO understands that the Winnfield Correctional Center in Winnfield, Louisiana—where petitioner is currently being detained—and the West Tennessee Detention Facility in Mason, Tennessee both have the ability to house Petitioner on an extended basis and facilitate his remote attendance at an immigration hearing. The USAO has conferred with Petitioner’s counsel regarding the option of holding Petitioner at the West Tennessee Detention Facility; however, Petitioner’s counsel has objected to this alternative.

incorporated herein by reference, Petitioner's presence outside EDTN does not and will not deprive this Court of continued jurisdiction over these proceedings. *See Rumsfeld v. Padilla*, 542 U.S. 426, 440 (2004); *White v. Lamanna*, 42 F. App'x 670, 671 (6th Cir. 2002). Furthermore, the USAO understands that Petitioner's counsel has been in contact with Petitioner while Petitioner has been outside the district. To the extent the Court determines that a hearing is necessary in this case and that petitioner's presence in person will be required, the United States is willing and able to transport him back to EDTN for the purpose of attending such a hearing.

In contrast, if the United States' request for relief herein is denied, ICE will have no alternative but to release Petitioner upon his return to EDTN. As outlined in its Response to the petition for habeas corpus (Doc. 25), the United States opposes this alternative and asserts that release is contrary to the statutes at issue.

For these reasons, the United States respectfully requests that the Court lift or otherwise amend its Order enjoining Petitioner's removal from EDTN.

Respectfully submitted,

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