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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

ADAM BRYANT PEÑA BECERRA,

Petitioner,

v.

KELLY SPARKS, Davis County Sheriff;
EVAN TJADEN, Acting Field Office
Director, Salt Lake City Enforcement and
Removal Operations, U.S. Immigration and
Customs Enforcement (ICE/ERO);
KRISTI NOEM, Secretary United States
Department of Homeland Security;
PAMELA BONDI, U.S. Attorney General,

Respondents.

**EMERGENCY MOTION TO
STAY TRANSFER
DURING PENDENCY OF PETITION**

Case No. 2:26-cv-212

Petitioner Adam Peña moves this court to order Respondents not to transfer him out of this jurisdiction while the petition is pending “[b]ecause transfer of Petitioner to another district could interfere with his access to counsel and ability to participate in the proceedings.” *Tran v. Bondi, et al.*, No. CV25-1897-JLR-BAT, Dkt. 6 at 3 (W.D. Wash. Oct. 7, 2025) (sua sponte issuing such an order in a § 2241 case involving an ICE detainee).

The basis for his petition is that Respondents have unlawfully detained him without bond in violation of federal law and the Constitution.

If ICE moves him out of state, his ability to confer with counsel will be curtailed, thus prolonging his unlawful detention. His immigration case is pending in Utah, so witnesses and evidence that may need to be produced at a hearing are all in Utah. Allowing Respondents to transfer him out of state will unnecessarily prolong his detention and cause irreparable harm.

“[T]ransfer of Petitioner to another district could interfere with his access to counsel and ability to participate in the proceedings.” *Tran v. Bondi, et al.*, No. CV25-1897-JLR-BAT, dkt. 6 at 3 (W.D. Wash. Oct. 7, 2025) (sua sponte issuing such an order in a § 2241 case involving an ICE detainee). And this court has “inherent power to preserve its ability to hear the case.” *Alves v. U.S. Dep’t of Just.*, 2025 WL 2629763, at *5 (W.D. Tex. Sept. 12, 2025) (same).

Courts around the country, including within this district, have entered emergency orders preventing the transfer and removal of ICE detainees pending the resolution of their § 2241 petition. *See, e.g., Ahlat v. Bondi*, 1:25-cv-00199, ECF No. 8 (D. Utah Dec. 19, 2025); *Velasquez Montillo v. Brooksby*, 4:26-cv-18, ECF No. 7 (D. Utah Feb. 17, 2026); *M.M. v. Wamsley*, 2025 WL 3053023, at *1 (W.D. Wash. Oct. 31, 2025); *Bustos v. Raycraft*, 2025 WL 3022294, at *2 (E.D. Mich. Oct. 29, 2025); *Ferro v. Hyde*, No. 2025 WL 3003708, at *1 (D. Me. Oct. 27, 2025) (order issued same day petition was filed); *Lopez Pop v. Noem*, 2025 WL 3050095, at *7 (C.D. Cal. Oct. 3, 2025); *Singh v. Delaney Hall*, 2025 WL 2772644, at *1 (D.N.J. Sept. 29, 2025); *Hom v. Ceja*, 800 F.Supp.3d 1147, 1149 (D. Colo. Sept. 17, 2025).

Petitioner is currently in ICE custody at the Davis County Jail. He sees no sound reason why he should not remain at that facility while the petition is pending. In order to preserve this court’s jurisdiction over the pending petition and to ensure Petitioner has adequate access to counsel, he asks the court to order that he not be transferred out of this jurisdiction or deported while his petition is pending.

If the court is unwilling to prohibit a transfer during the pendency of the petition without hearing first from Respondents, it should at least prevent the transfer pending a response and reply to this motion.

DATED this 12th day of March 2026.

/s/ Benjamin C. McMurray
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Assistant Federal Public Defender