

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

FRANCISCO JAVIER
TORRES CRUZ (A# ,
Petitioner,

v.

Case No.: 2:26-cv-00729

WARDEN, SOUTH FLORIDA
DETENTION FACILITY;
FIELD OFFICE DIRECTOR,
ICE ERO MIAMI;
DIRECTOR, U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
SECRETARY, U.S. DEPARTMENT
OF HOMELAND SECURITY;
ATTORNEY GENERAL OF THE
UNITED STATES,
Respondents.

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
PREVENTING TRANSFER AND MEMORANDUM OF LAW**

Petitioner respectfully moves this Court for a Temporary Restraining Order preventing transfer outside the jurisdiction of this Court while the habeas petition is pending.

1. Federal courts possess authority to preserve habeas jurisdiction and prevent transfers that could interfere with judicial review.
2. In *Ex parte Endo*, 323 U.S. 283 (1944), the Supreme Court recognized that courts may act to preserve their jurisdiction in habeas proceedings.

3. In *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), the Supreme Court reaffirmed the importance of the custodian rule and territorial jurisdiction in habeas cases.
4. The Eleventh Circuit has recognized the importance of protecting habeas jurisdiction. See *Cotterall v. Paul*, 755 F.2d 777 (11th Cir. 1985).
5. Courts frequently enter anti-transfer orders in immigration detention cases to prevent the government from frustrating judicial review.

Petitioner therefore requests an order preventing transfer while this habeas petition is pending.

Respectfully submitted,



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