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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

REYES DE LA CRUZ GONZALEZ,

Petitioner,

v.

RUBEN LEYVA, Acting Field Office
Director, Salt Lake City Enforcement and
Removal Operations, U.S. Immigration and
Customs Enforcement (ICE/ERO); BRIAN
HENKE Field Office Director for Las
Vegas/Salt Lake City; KRISTI NOEM,
Secretary United States Department of
Homeland Security; PAMELA BONDI, U.S.
Attorney General,

Defendants.

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

Case No. 2:26-cv-00240-RJS

Judge: Robert J. Shelby

Petitioner REYES DE LA CRUZ GONZALEZ 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 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 attorneys are 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.

Courts around the country are granting such orders to protect their jurisdiction and the right to counsel. “[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-JLRBAT, 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). These orders are hardly uncommon. *See, e.g., M.M. v. Wamsley*, 2025 WL 3053023, at *1 (W.D. Wash. Oct. 31, 2025) (same); *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*, 2025 WL 2801449, at *2 (D. Colo. Sept. 17, 2025).

In order to preserve this court’s jurisdiction over the pending petition and to ensure Mr. De La Cruz has adequate access to counsel, Mr. De La Cruz requests that he not be transferred out of this jurisdiction 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.

RESPECTFULLY SUBMITTED this March 25, 2026.

TRUJILLO LAW GROUP

/s/ Christopher Vizcardo
Christopher Vizcardo
Attorney for Petitioner