

Scott Keith Wilson, Federal Public Defender (#7347)
Nathan Phelps, Assistant Federal Public Defender (#14752)
OFFICE OF THE FEDERAL PUBLIC DEFENDER, DISTRICT OF UTAH
46 West Broadway, Suite 110
Salt Lake City, Utah 84101
Telephone: (801) 524-4010
nathan_phelps@fd.org
Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

<p>ALEJANDRO JOSE PETIT POLEO, Petitioner, v. PAMELA BONDI, U.S. Attorney General; et al., Respondents.</p>	<p>EMERGENCY MOTION TO STAY TRANSFER DURING PENDENCY OF PETITION</p> <p>Case No. 1:26-cv-32</p>
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Petitioner Alejandro Jose Petit Poleo 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. Moreover, Petitioner was detained 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).

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 if he has been moved by the time the court rules, that

he not be further moved) 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: March 6, 2026.

/S/ Nathan Phelps
Assistant Federal Public Defender
Attorney for Petitioner