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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

MARIANA CALZADA MORENO,

Petitioner,

v.

EVAN TJADEN, Acting Field Office
Director, Salt Lake City Enforcement and
Removal Operations, U.S. Immigration and
Customs Enforcement (ICE/ERO);
JOHN DOE, ICE/ERO Officer
MARKWAYNE MULLIN, Secretary, U.S.
Department of Homeland Security;
TODD BLANCHE, Acting U.S. Attorney
General,

Respondents.

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

Case No. 2:26-cv-336

Petitioner Mariana Calzada moves this court to order Respondents not to transfer her 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 her without bond in violation of federal law and the Constitution.

If ICE moves her out of state, her ability to confer with counsel will be curtailed, thus prolonging her unlawful detention. Her 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 her out of state will unnecessarily prolong her 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 was arrested by ICE in Utah. She sees no sound reason why she should not remain in the jurisdiction 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, she 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 21st day of April 2026.

/s/ Benjamin C. McMurray
BENJAMIN C. McMURRAY
Assistant Federal Public Defender