

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

YENNDY NUÑEZ GONZÁLEZ,

Petitioner,

v.

ACTING ATTORNEY GENERAL of the
United
States; MARKWAYNE MULLINS, Secretary,
Department of Homeland Security; TODD
LYONS, Acting Director, U.S. Immigration
and Customs Enforcement; GARRETT J.
RIPA, Field Office Director – Miami ERO;
and RONNIE WOODALL, Facility
Administrator – Baker Correctional Institution,

Respondents.

Case No.: 3:26-cv-01105-MMH-PDB

**PETITIONER'S EMERGENCY MOTION FOR ORDER TO SHOW CAUSE
AND TO COMPEL RETURN OF PETITIONER TO THE
MIDDLE DISTRICT OF FLORIDA**

Petitioner Yenndy Nuñez González, by and through undersigned counsel, respectfully moves this Court on an emergency basis for an Order to Show Cause as to why Petitioner should not be returned to the Middle District of Florida. Petitioner also respectfully moves for an Order granting Petitioner's Emergency Motion for Temporary Restraining Order [Doc. 2] to direct Respondents to immediately return Petitioner to a detention facility within this District pending adjudication of his Petition for Writ of Habeas Corpus [Doc. 1]. In support thereof, Petitioner states as follows:

I. INTRODUCTION

This Court has jurisdiction over Petitioner's Petition, which was filed on May 1, 2026, along with a Motion for a Temporary Restraining Order ("TRO"), while Petitioner was detained at Baker Correctional Institution in Sanderson, Florida, within this District. Despite Respondents having notice of these filings, on or about May 14, 2026, Respondents transferred Petitioner to the Folkston ICE Processing Center, located at 3026 GA-252 E, Folkston, Georgia 31537, which lies within the Southern District of Georgia. *See* Ex. A. This transfer was made without notice to undersigned counsel, without Court authorization, and in defiance of the pending TRO request specifically seeking to prevent such a transfer. Respondents' unilateral transfer of Petitioner is a deliberate attempt to strip this Court of jurisdiction, deprive Petitioner of access to Florida-based counsel and family, and render his constitutional claims unreviewable. Petitioner respectfully requests that the Court act immediately to preserve its jurisdiction and protect Petitioner's due process rights.

II. FACTUAL BACKGROUND

1. On May 1, 2026, Petitioner filed a Petition for Writ of Habeas Corpus [Doc. 1] challenging his unlawful civil immigration detention at Baker Correctional Institution, Sanderson, Florida, within the Middle District of Florida.
2. Simultaneously, Petitioner filed an Emergency Motion for Temporary Restraining Order [Doc. 2] specifically requesting that this Court order Respondents not to transfer or deport Petitioner while his Petition is pending, on the grounds that Respondents have

demonstrated a pattern and practice of transferring detainees to out-of-state facilities after the filing of habeas petitions to defeat jurisdiction.

3. On or about May 14, 2026, Respondents transferred Petitioner from Baker Correctional Institution to the Folkston ICE Processing Center, located at 3026 GA-252 E, Folkston, Georgia 31537, in the Southern District of Georgia, without notice to counsel, without authorization from this Court, and notwithstanding the pendency of both the Petition and the TRO Motion.
4. Folkston ICE Processing Center is located approximately 90 miles from Baker Correctional Institution and is outside the territorial jurisdiction of this Court. Petitioner's transfer substantially impairs his access to Florida-based legal counsel and his wife and twelve-year-old daughter, who reside in Alachua County, Florida.
5. Respondents have provided no notice to undersigned counsel of this transfer, no explanation for the transfer, and no indication of whether further transfers are contemplated.

III. ARGUMENT

A. This Court Retains Jurisdiction Over the Petition.

It is well established that jurisdiction in a habeas corpus proceeding is determined at the time the petition is filed, not by the petitioner's subsequent location. *See Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004) ("when the Government moves a habeas petitioner after she properly files a petition naming her immediate custodian, the District Court retains jurisdiction and may direct the writ to any respondent within its jurisdiction who has legal authority to effectuate the

prisoner's release.”). Because Petitioner was detained at Baker Correctional Institution in the Middle District of Florida at the time he filed his Petition, this Court properly acquired jurisdiction over this matter and retains that jurisdiction notwithstanding the Government’s unilateral post-filing transfer.

Courts in the Eleventh Circuit have consistently held that a post-filing transfer does not divest a district court of jurisdiction over a habeas petition. *See e.g., Wims v. Warden, Miami FCI*, 2022 U.S. Dist. LEXIS 130485, at *3-4 (S.D. Fla. July 21, 2022) (“transfer does not divest the Court of jurisdiction.” (citing *McClure v. Hopper*, 577 F.2d 938, 939-40 (5th Cir. 1978) (“Jurisdiction attached upon the initial filing for habeas relief. It was not destroyed upon the transfer of petitioner and accompanying custodial change.”))).

To hold otherwise would permit the Government to unilaterally and strategically deprive federal courts of jurisdiction by transferring detainees after petitions are filed—precisely the tactic Petitioner warned of in his Emergency TRO Motion. *See* Doc. 2 at 4.

B. Respondents’ Transfer Violates the Pending TRO and This Court’s Authority Under the All-Writs Act.

Petitioner’s Emergency Motion for Temporary Restraining Order, which remains pending before this Court, explicitly sought to prevent the precise conduct Respondents have now undertaken. The All-Writs Act, 28 U.S.C. § 1651, empowers this Court to “issue all writs necessary or appropriate in aid of [its] jurisdiction.” The Supreme Court has recognized that a court may exercise this authority to prevent parties from taking actions that would undermine or circumvent its jurisdiction. *See F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 603 (1966).

Respondents’ transfer of Petitioner while an Emergency TRO was pending is precisely the type of conduct the All-Writs Act empowers this Court to remedy.

C. The Transfer Irreparably Harms Petitioner and Violates Due Process.

Petitioner's transfer to Georgia causes immediate and irreparable harm. First, the transfer substantially impairs Petitioner's access to his Florida-based counsel, who cannot, as a practical matter, provide effective representation to a client detained 90 miles away in another state. Second, it separates Petitioner from his wife and twelve-year-old daughter, who live in Alachua County, Florida. Third, it imposes additional logistical barriers on these proceedings, including the potential need to transport Petitioner for any hearings this Court may schedule. The Supreme Court has made clear that civil immigration detention must be non-punitive. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896). Transfer to a distant facility to obstruct habeas proceedings is punitive in effect and cannot be justified by any legitimate government interest.

Additionally, 28 U.S.C. § 2243 provides that the person to whom a writ of habeas corpus is directed "shall be required to produce at the hearing the body of the person detained." This Court cannot meaningfully adjudicate Petitioner's habeas claims if Petitioner is not within its reach.

D. Petitioner Satisfies the Four-Part Test for Emergency Injunctive Relief.

As set forth in Petitioner's Emergency TRO Motion [Doc. 2] and Memorandum of Law [Doc. 2-1], Petitioner satisfies each element of the four-part test established by the Eleventh Circuit for temporary restraining orders. *See Long v. Sec'y, Dep't of Corr.*, 924 F.3d 1171 (11th Cir. 2019). Respondents' post-filing transfer only strengthens Petitioner's showing: (1) the likelihood of success on the merits is substantial, as detailed in the Petition and memorandum; (2) the irreparable harm is now actual and ongoing, not merely threatened; (3) the balance of

harms overwhelmingly favors Petitioner, as the Government suffers no cognizable harm from maintaining Petitioner's detention within this District; and (4) the public interest strongly favors preventing the Government from manipulating federal court jurisdiction through post-filing detainee transfers. Petitioner incorporates by reference all arguments set forth in the previously filed Emergency TRO Motion and supporting Memorandum.

IV. RELIEF REQUESTED

For the foregoing reasons, Petitioner respectfully requests that this Court enter an Order:

1. Directing Respondents to show cause, within 24 hours of the entry of this Order, why Petitioner should not be immediately returned to a detention facility within the Middle District of Florida;
2. Ordering Respondents to immediately transfer and return Petitioner to a detention facility within the Middle District of Florida pending further order of this Court;
3. Ordering that Petitioner not be transferred out of the Middle District of Florida, and not be removed from the United States, pending further order of this Court;
4. Granting Petitioner's Emergency Motion for Temporary Restraining Order [Doc. 2] and entering the relief requested therein; and
5. Granting such other and further relief as the Court deems just and proper.

Petitioner respectfully requests that the Court act on this motion on an emergency basis today, given the ongoing and escalating harm to Petitioner's constitutional rights and access to counsel.

Respectfully submitted this 14th day of May, 2026,

/s/ Katherine H. Blankenship

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Counsel for Petitioner

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 3.01(g)

Undersigned counsel certifies that, due to the emergency nature of this motion and Respondents' demonstrated pattern of failing to respond to counsel's communications as set forth in the Certification filed with the Emergency TRO Motion [Doc. 2], it was not practicable to confer with Respondents' counsel prior to filing this emergency motion. Counsel will promptly notify Respondents' counsel upon filing. Counsel for Petitioner was able to confer with Respondents directly about this Motion and they did not confirm that they would return Petitioner to the Middle District of Florida. *See* Ex. A.

/s/ Katherine H. Blankenship
Katherine H. Blankenship

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of May, 2026, I electronically filed the foregoing with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Katherine H. Blankenship
Katherine H. Blankenship