UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JULIANA MILENA OJEDA MONTOYA, Petitioner, v. KEVIN JOYCE, Sheriff, Cumberland County Sheriff's Office, Cumberland County, DAVID WESLING, Acting Field Office Director, Boston Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement, KRISTI NOEM, Secretary, U.S. Department of Homeland Security, PAMELA BONDI, Attorney General of the United States, U.S. Department of Justice, Respondents.	Case Number:

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER TO STOP TRANSFER WITHOUT PRIOR CONSENT
(Expedited Consideration Requested)

Pursuant to the All Writs Act, 28 U.S.C. § 1651, Petitioner Juliana Milena Ojeda Montoya hereby moves this Court to bar federal Respondents from transferring her outside the District of Maine. Based on transfer patterns observed by advocates and reported on by media,[1] Ms. Ojeda Montoya is at risk of transfer outside of the District of Maine absent an order from the Court. This

[1] *See, e.g.*, Emily Allen, "Family and lawyers 'exhausted' as ICE shuffles loved ones in and out of Maine," Portland Press Herald, https://www.pressherald.com/2025/06/17/family-and-lawyers-exhausted-as-ice-shuffles-loved-ones-in-and-out-of-maine/ (June 17, 2025) (detailing transfer of Maine resident from Maine to Texas detention facility); Oliver Laughland, "'Detention Alley': inside the Ice centres in the US south where foreign students and undocumented migrants languish," The Guardian, https://www.theguardian.com/us-news/2025/mar/29/ice-detention-centers-immigration-asylum (Mar. 29, 2025) (detailing transfer of Massachusetts, District of Columbia, and Florida residents to Louisiana detention facility).

risk is particularly acute in high profile cases that have attracted national attention, as this case has.[2]

Ms. Ojeda Montoya should not be transferred outside of the District of Maine during the pendency of these habeas proceedings for at least three reasons: (1) Ms. Ojeda Montoya's presence in the District of Maine would facilitate this Court's consideration of her habeas petition by enabling access to counsel and Ms. Ojeda Montoya's ability to participate fully in Court proceedings; (2) the government may contend that Ms. Ojeda Montoya's transfer would deprive this Court of jurisdiction to hear a claim that is properly before it; and (3) this Court has granted similar relief in several recent cases presenting the same issues.

ARGUMENT

Under the All Writs Act, this Court may "issue all writs necessary or appropriate in aid of [its] respective jurisdiction[s] and agreeable to the usages and principles of law." 28 U.S.C. § 1651. Here, the Court should enjoin the transfer of Ms. Ojeda Montoya by Respondents out of the District of Maine. This restraint will facilitate the Court's consideration of Ms. Ojeda Montoya's pending habeas petition, which has been properly filed with the Court, and will ensure that Ms. Ojeda Montoya has access to counsel while this petition is pending.

Ms. Ojeda Montoya has filed a habeas corpus petition pursuant to 28 U.S.C. § 2241 seeking the ability to seek a bond hearing to which she is legally entitled under 8 U.S.C. § 1226. As detailed in the petition for habeas corpus, Ms. Ojeda Montoya is currently being detained by ICE at the

[2] *See, e.g.,* Anemona Hartocollis, "Tufts Student Held by ICE Asks Court to Return Her Case to Massachusetts," New York Times, https://www.nytimes.com/2025/04/03/us/tufts-student-deportation-ice.html (Apr. 3, 2025) (detailing ICE's rapid post-arrest transfer of Rumeysa Ozturk, a Tufts student detained in Massachusetts, from Massachusetts to Louisiana); Santul Nerkar & Mark Romano, "Tug of War Continues Over Where to Khalil Deportation Case," New York Times, https://www.nytimes.com/2025/03/28/nyregion/mahmoud-khalil-deportation-case-hearing.html (Mar. 28, 2025) (detailing ICE's rapid post-arrest transfer of Mahmoud Khalil, a student at Columbia University, from New York to New Jersey to Louisiana).

Cumberland County Jail in Portland, Maine. Ms. Ojeda Montoya's continued presence in Maine would facilitate this Court's consideration of her habeas petition in at least three regards.

First, Ms. Ojeda Montoya has pro bono counsel in his habeas proceedings from the American Civil Liberties Union of Maine Foundation, based in Portland, Maine, and undersigned counsel's ability to represent her effectively depends on having reasonable access to her. Transfer of Ms. Ojeda Montoya outside of the District of Maine would impair counsel's ability to communicate with her and to present her case to the Court. Further, transfer of Ms. Ojeda Montoya to a far-away detention facility could impair her ability to participate in Court proceedings, including any argument and evidentiary proceedings the Court orders.

Second, the government may contend that this Court would be divested of jurisdiction over Ms. Ojeda Montoya's claims after transfer from Maine because of the immediate custodian rule. *See Vasquez v. Reno*, 233 F.3d 688 (1st Cir. 2000). The requested relief would moot out any such argument, which will allow proceedings to move forward efficiently. If this Court were divested of jurisdiction, undersigned counsel would not be able to provide Ms. Ojeda Montoya with representation in habeas proceedings in the District of Maine. *See generally S.N.C. v. Sessions*, 325 F. Supp. 3d 401, 410 (S.D.N.Y. 2018) (recognizing "concerns about Petitioner's continuity of counsel" in granting petitioner leave to amend petition to ensure jurisdiction of the court).

Third, in several recent matters involving the same detention authority misclassification issue, this Court has granted the same preliminary relief against transfer that Ms. Ojeda Montoya requests here. *See, e.g.*, *Aguilar Guerra v. Joyce*, No 2:25-cv-00534-SDN, 2025 WL 2986316 (D. Me. Oct. 23, 2025); *Chanaguano v. Scott*, No. 1:25-cv-00500-JAW, 2025 WL 2806416 (D. Me. Oct. 2, 2025); *Chiliquinga Yumbillo v. Stamper*, No. 2:25-cv-00479-SDN, 2025 WL 2688160 (D.

Me. Sept. 19, 2025); *Tamay v. Scott*, No. 2:25-cv-00438-JAW, 2025 WL 2507011 (D. Me. Sept. 2, 2025).

Based upon the foregoing reasons, Ms. Ojeda Montoya respectfully requests that the Court enjoin her transfer outside the District of Maine.

Respectfully submitted this 8th day of November, 2025.

Juliana Milena Ojeda Montoya,

By and through her Counsel,

/s/ Max I. Brooks
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