UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

SELVIN ISAIAS SITUJ GARCIA, Petitioner, v. DERRICK STAMPER, Chief Patrol Agent, Houlton Sector, U.S. Border Patrol, MATTHEW HLADIK, Area Port Director, Area Port of Portland, Maine, Office of Field Operations, U.S. Customs and Border Protection, RODNEY SCOTT, Commissioner, U.S. Customs and Border Protection, 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, U.S. Department of Justice, Respondents.	Case No. **EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**

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, Selvin Isaias Situj Garcia (henceforth "Petitioner"), hereby moves this Court to bar federal Respondents from transferring Petitioner outside the District of Maine. Based on transfer patterns observed by advocates and reported on by media,[1] Petitioner is at risk of transfer or deportation far outside of the District of Maine absent an order from the Court.

[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-

Petitioner should not be transferred outside of the District of Maine, including because (1) Petitioner's presence in the District of Maine would facilitate this Court's consideration of his habeas petition by enabling access to counsel and Petitioner's ability to participate fully in Court proceedings; (2) if Petitioner were transferred, the government may contend that Petitioner's transfer deprives this Court of jurisdiction to hear a claim that is properly before it, and mooting the issue by barring transfer would promote judicial efficiency; and (3) as this Court has found in several recent matters, an appropriate balancing of the equitable factors a Court must consider in deciding whether to issue a Temporary Restraining Order or a Preliminary Injunction weighs in favor of granting the requested relief, including because Petitioner is highly likely to succeed on the merits of his claim.

LEGAL 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 Petitioner by Respondents out of the District of Maine. This restraint will facilitate the Court's consideration of Petitioner's pending habeas petition, which has been properly filed with the Court and ensure that Petitioner has access to counsel while this petition is pending.

Petitioner has filed a habeas corpus petition pursuant to 28 U.S.C. § 2241 seeking, among other things, an individualized bond hearing to which he is legally entitled under 8 U.S.C. §

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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).

1226(a). As detailed in the Petition for Writ of Habeas Corpus, Petitioner's whereabouts are currently unknown, but his last known location was in Maine.

Petitioner's continued presence in Maine would facilitate this Court's consideration of his habeas petition in at least three regards.

First, Petitioner has pro bono counsel in his habeas proceedings Paula Esteves, of Haven Immigration Law, LLC of Portland, Maine, and undersigned counsel's ability to represent him effectively depends on having reasonable access to Petitioner. Transfer of Petitioner outside of the District of Maine would complicate counsel's ability to communicate with Petitioner and to present his case to the Court. Further, transfer of Petitioner to a far-away detention facility would impair his ability to participate in Court proceedings, including any argument and evidentiary proceedings the Court orders.

Second, if Petitioner were transferred outside the District of Maine, the government may contend that this Court would be divested of jurisdiction over Petitioner'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 by a transfer, undersigned counsel would not be able to provide Petitioner 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 relief against transfer that Petitioner requests here after balancing the appropriate equitable factors. *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); *see also Rodrigues De Oliveira v. Joyce*, No. 2:25-cv-00291-LEW, 2025 WL 1826118, at *7 (D. Me. July 2, 2025) (granting petition and barring Respondents from transferring Petitioner until Petitioner's bond hearing before an Immigration Judge). The equitable factors weigh strongly in favor of barring the Respondents from transferring Petitioner outside the District of Maine here too, including because Petitioner is highly likely to prevail in his argument that he is entitled to an individualized bond hearing before an Immigration Judge under 8 U.S.C. § 1226(a). *See, e.g., Petion v. Hyde*, No. 2:25-cv-00535-SDN, 2025 WL 3072567 (D. Me. Nov. 3, 2025); *Aguilar Guerra v. Joyce*, No. 2:25-cv-00534-SDN, 2025 WL 2999042 (D. Me. Oct. 24, 2025); *Perez Pina v. Stamper*, No. 2:25-cv-00509-SDN, 2025 WL 2939298 (D. Me. Oct. 16, 2025); *Choglo Chaffla,* 2:25-cv-00437-SDN, 2025 WL 2531027 (D. Me. Sept. 2, 2025); *Rodrigues De Oliveira*, 2025 WL 2507011.

Based upon the foregoing reasons, Petitioner respectfully requests that the Court enjoin Petitioner's transfer during the pendency of these habeas proceedings.

Respectfully submitted on January 18, 2026.

/s/ Paula Esteves

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Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Paula Esteves, hereby certify that on the date below, I electronically filed the foregoing document, Petitioner's Emergency Temporary Restraining Order, via the Court's CM/ECF system.

Respectfully submitted on January 18, 2026.

/s/ Paula Esteves

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