

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ROSAURA GONZALEZ-RUCCI
IN REPRESENTATION OF TEOFILO AVILA
Petitioners,

v.

Civil No. 3:26-cv-1045

REBECCA GONZÁLEZ RAMOS, Special Agent in Charge of Homeland Security Investigations in San Juan, **GARRET J. RIPA** is Miami Field Office Director for U.S. Immigration and Customs Enforcement, overseen Puerto Rico’s Immigration and Removal Operations, ICE Office in GSA Guaynabo Detention Facility; **TODD LYONS** in his official capacity, Acting Director for U.S. Immigration and Customs Enforcement; **KRISTI NOEM**, Secretary of Homeland Security; **PAMELA BONDI**, United States Attorney General; **W. STEPHEN MULDROW**, US District Attorney for the District of Puerto Rico; **ROBERTO VAQUERO** Director of Field Operations Customs and Border Protection; *all in their official capacities*

PETITION FOR A WRIT OF
HABEAS CORPUS

**URGENT MOTION TO STAY
TRANSFER OF PETITIONER
TO OTHER JURISDICTION**

Respondents.

**MOTION REQUESTING THE RETURN OF PETITIONER TO THE
JURISDICTION OF THE COMMONWEALTH OF PUERTO RICO
AND STRICT COMPLIANCE AND ADHERENCE WITH DKT. 12**

TO THE HONORABLE COURT:

Comes now Petitioners, through the undersigned legal counsels and respectfully state, allege and pray as follows:

PROCEDURAL BACKGROUND:

1. On January 27, 2026, Petitioners filed a Petition for Writ of Habeas Corpus in the case at bar. (Dkt. 1)
2. On January 27, 2026, Respondent scheduled Petitioner Mr. Teofila Avila to appear before the Guaynabo, Puerto Rico Immigration Court on January 29, 2026, at 8:30 am for a custody redetermination Hearing. (Dkt. 1 Ex. 4)

3. On January 28, 2026, Petitioners filed before this Court a “Motion In Compliance” attesting having “served processes upon Respondents Rebecca González, Roberto Vaquero and W. Joseph Muldrow. The other respondents will receive said Order by Certified Mail together with the original filings.” (Dkt 9)

4. Later the same date, on January 28, 2026, at 4:11:21 p.m. Respondents filed before the Guaynabo, Puerto Rico Immigration Court a “**Notice to EOIR: Alien Address**” indicating Mr. Teofilo Avila “**was transferred on January 27, 2026**, to Krome North SP, 18201 SW 12th St., Miami, FL 33194.” (Exh. 1)

5. Contrary to Respondents’ representations, Petitioner Teofilo Avila was removed from the jurisdiction of the Commonwealth of Puerto Rico to the United States **after 4:00 p.m. on January 28, 2026**, and not as stated by Respondents on January 27, 2026, as represented to the Guaynabo, Puerto Rico Immigration Court. (Exh. 2)

6. At the time of Petitioner’s transfer, this Honorable Court was vested with subject-matter jurisdiction.

7. On January 29, 2026, this Court issued an “Order on Motion Requesting Order” (Dkt. 12) setting forth the following:

“This Court **GRANTS** the *Urgent Motion and TRO* and **HOLDS IN ABEYANCE** the Petition for Writ of Habeas Corpus. This Court **ORDERS** that the Government shall not transfer Mr. Avila outside of Puerto Rico and that he be granted a bond hearing before the Immigration Judge no later than February 12, 2026. The Government shall inform by February 13, 2026 whether such bond hearing has been held and its outcome. This Order grants only temporary injunctive relieve and does not adjudicate the merits of the *Petition for Writ of Habeas Corpus*.”

8. Because Petitioner’s transfer was executed in contravention of this Court’s Order (Dkt. 12) Mr. Teofilo Avila respectfully requests that Respondent’s be ordered to immediately return him to the jurisdiction of the Commonwealth of Puerto Rico and to strictly comply with the parameters set forth by this Court. (Dkt. 12)

APPLICABLE LAW:

JURISDICTION AND VENUE:

The same day this Court granted our emergency request for a TRO, we were informed of the transfer of Petitioner out of Puerto Rico. Despite the transfer, this Court retains venue and jurisdiction to try this habeas petition. See as very persuasive *Ozturk v. Trump*, Case No. 25-cv-10695-DJC; (2nd Cir. 25-1019) (A federal court of appeals ordered the Trump administration to comply with a lower court order that requires it to transfer Tufts Ph.D. student Rumeysa Ozturk from a detention facility in Louisiana to Vermont. The Court also ruled on the venue issue concluding that the proper venue is in the Vermont Court where Rumeysa was originally detained when the habeas was initially filed).

Although the 1st Cir. has not ruled on the issue of jurisdiction in these circumstances, it is important to note that the case of *Ozturk*, supra, has its origins under the 1st Circuit, in the US District Court of Massachusetts. The doctrine of “*In the interest of Justice*” was applied in this case precisely to provide jurisdiction and recognize the venue of the District Court *where the petitioner was physically detained at the moment of the habeas filing*.

The contrary would be an undue burden on the most vulnerable party in this litigation, Mr. Avila. It means holding an important hearing that encompasses his liberty and future in a different jurisdiction, far away from his legal counsel, from his family, from his community and the witnesses to his case, all of whom reside in Puerto Rico.

Venue is Proper at the Time of Filing:

The district court ordinarily will retain jurisdiction even if DHS subsequently transfers the petitioner to another district. See *Ex Parte Endo*, 323 U.S 283, 304-05 (1944) (rejecting mootness after transfer because "there is no suggestion that there is no one within the jurisdiction of the District Court who is responsible for the detention of appellant and who would be an appropriate respondent").

Mr. Avila was illegally abducted and detained in Puerto Rico. He was transferred from a Puerto

Rico detention center to the continental United States jeopardizing his constitutional rights. The transfer occurred the day after this lawsuit was filed and after Respondents in Puerto Rico, the immediate and legal custodians, were served process. See *Ozturk v. Trump*, Case No. 25-cv-10695-DJC; (2nd Cir. 25-1019).

The act of transferring Petitioner to other jurisdiction is not a transfer to an ICE neutral holding facility. It is a forced entry into a demonstrably broken and dangerous system in violation of due process where their health, safety, and fundamental human dignity are at immediate and irreparable risk, regardless of the specific destination. (See Dkts. 1, 2 and 3)

The last resource of the people to expect justice in a civil society are our courts. To act *in the interest of justice* in the face of cruelty and degrading treatment, this Court must protect the weak assuming jurisdiction which is proper in these extraordinary circumstances.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant the instant Motion and:

1. Order Respondents to immediately transfer Petitioner Teofilo Avila back to the jurisdiction of the Commonwealth of Puerto Rico; and
2. Order Respondents to strictly adhere to and comply with this Court's Order on Motion Requesting Order (Dkt. 12).

Respectfully submitted,

s/ Fermín L. Arraiza-Navas
#215705 (US District Court Puerto Rico)

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Dated: January 30th, 2026

I HEREBY CERTIFY: I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using CM/ECF System, which will send notification of such filing to all parties.

Dated this 30th day of January, 2026.

s/ Fermín L. Arraiza-Navas
Attorney Name