

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OLGA MORELIA GARCIA MONTALBAN,

Petitioner,

-against-

KENNETH GENALO, *Field Office Director of Enforcement and Removal Operations, New York Field Office, Immigration and Customs Enforcement*; TODD LYONS, *Acting Director, United States Immigration and Customs Enforcement*; KRISTI NOEM, *Secretary, U.S. Department of Homeland Security*; PAMELA BONDI, *United States Attorney General*; U.S. DEPARTMENT OF HOMELAND SECURITY, and EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Respondents.

ORDER TO ANSWER
26 Civ. 1808 (ER)

EDGARDO RAMOS, United States District Judge:

Olga Morelia Garcia Montalban has filed for the writ of *habeas corpus* pursuant to 28 U.S.C. § 2241. The Court, having examined the Petition, hereby ORDERS that:

- (1) Within **two business days of the date of this Order**, Respondents shall file a letter with the following information:
 - a. whether Petitioner was, as the Petition alleges, *see* Doc. 1 ¶ 11, located in the Southern District of New York at the time that the Petition was filed and, if not, what District Petitioner was in at the time of filing and whether the Petition should be immediately transferred to that District, *see, e.g., Öztürk v. Hyde*, 136 F.4th 382, 391-92 (2d Cir. 2025); *Khalil v. Joyce*, 771 F. Supp. 3d 268 (S.D.N.Y. 2025);
 - b. Petitioner's A-number, current place of detention, and a contact person who can facilitate prospective counsel's access to Petitioner;
 - c. the statutory provision(s) under which Respondents assert the authority to detain Petitioner;
 - d. if the asserted basis for Petitioner's detention is 8 U.S.C. § 1225(b)(2)(A), whether there is any basis to distinguish this case from *Liu v. Almodovar et al.*,

25-cv-9256 (S.D.N.Y. December 2, 2025). If not, whether Respondents would consent to issuance of the writ—subject to preservation of Respondents’ arguments for appeal. If there is a basis to distinguish, whether Respondents waive the right to submit an answer and consent to issuance of the writ subject to preservation of Respondents’ arguments for appeal;

- e. why Petitioner is not a member of the nationwide certified bond eligible class in *Bautista v. Santacruz*, No. 25-cv-01873 (SSS) (BFM), 2025 WL 3288403 (C.D. Cal. December 18, 2025);
 - f. a copy of any final order of removal; and
 - g. any information regarding the procedural posture of any pending Department of Homeland Security or Executive Office for Immigration Review proceedings.
- (2) Unless and until the Court orders otherwise, Respondents shall file an answer to the Petition within **three business days of the date of this Order**; and
- (3) Unless and until the Court orders otherwise, Petitioner shall file any reply within **ten business days of the date of this Order**.

To preserve the Court’s jurisdiction pending a ruling on the Petition, Petitioner shall not be removed from the United States absent further order of this Court. *See, e.g., Khalil v. Joyce*, 25-cv-1935 (JMF), 2025 WL 750599, at *1 (S.D.N.Y. Mar. 10, 2025) (citing cases); *see also, e.g., Du v. United States Dep’t of Homeland Security*, No. 25-cv-0644 (OAW), 2025 WL 1317944, at *1 (D. Conn. Apr. 24, 2025) (“[A] federal court may temporarily enjoin immigration authorities from deporting individuals if it preserves the court’s jurisdiction over a case or cases.”). **Moreover, in light of Petitioner’s interests in participating in further proceedings before this Court and to facilitate resolution of the Petition, Respondents shall not transfer Petitioner except to a facility within this District, the Eastern District of New York, or the District of New Jersey absent further order of this Court.** *See, e.g., Perez y Perez v. Noem*, No. 25-cv-4828 (DEH), 2025 WL 1908284, at *2-3 (S.D.N.Y. June 13, 2025) (enjoining a *habeas* petitioner’s transfer pending adjudication of his petition); *see also, e.g.,*

Arostegui-Maldonado v. Baltazar, No. 25-cv-2205 (WJM) (STV), 2025 WL 2280357, at *14-16 (D. Colo. Aug. 8, 2025) (same); *Oliveros v. Kaiser*, No. 25-cv-7117 (BLF), 2025 WL 2677125, at *8-9, *11 (N.D. Cal. Sept. 18, 2025) (same).

CONCLUSION

The Clerk of Court shall electronically notify the Civil Division of the U.S. Attorney's Office for the Southern District of New York of this Order.

Within **two business days of the date of this Order**, Respondents shall file a letter with the Court with the information described in this order. Respondents shall file an answer to the Petition within **three business days of the date of this Order**. Petitioner shall file any reply within **ten business days of the date of this Order**.

The Court directs the Clerk of Court to mail a copy of this order to Petitioner at the address listed on the docket sheet for this action.

The Court also directs the Clerk of Court to mail Petitioner an information package.

SO ORDERED.

Dated: March 5, 2026
New York, New York



EDGARDO RAMOS
United States District Judge