

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

**Fernando Lopez Vasquez v. Robert Cerna, Acting Field Office
Director of Dallas Field Office, U.S. Immigration and Customs
Enforcement, et al.**

Lopez Vasquez v. Cerna · No. CIV-26-147-G · Decided January 28, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma issued a procedural order in a 28 U.S.C. § 2241 habeas action challenging immigration detention. The order sets deadlines for responding to the petitioner’s emergency motion and petition, requires advance notice of any transfer or relocation, and directs the Clerk regarding service and summonses.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Charles B. Goodwin
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	January 28, 2026
DOCKET	CIV-26-147-G
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas petition challenging his detention by U.S. Immigration and Customs Enforcement and an emergency motion for a temporary restraining order. The court issued an order directing responses and establishing case-management requirements; it did not decide the merits of the habeas petition or the emergency motion.
PRECEDENTIAL VALUE	Nonprecedential interlocutory district-court order
PARTIES	Fernando Lopez Vasquez v. Robert Cerna, Acting Field Office Director of Dallas Field Office, U.S. Immigration and Customs Enforcement, et al.

TOPICS

- immigration detention
- federal habeas corpus
- injunctions
- civil procedure

PRACTICE AREAS

immigration detention

federal habeas corpus

civil procedure

injunctions

QUESTIONS PRESENTED

1. What initial response and case-management procedures should govern a § 2241 habeas petition challenging ICE detention and an accompanying emergency motion for a temporary restraining order?
2. Whether Respondents must provide advance notice of any removal, transfer, relocation, or other movement of Petitioner while the habeas proceeding is pending.

FACTUAL BACKGROUND

Petitioner Fernando Lopez Vasquez was detained by U.S. Immigration and Customs Enforcement and was in custody in Oklahoma City when he filed the petition. The petition alleged that he was confined within the territorial jurisdiction of the Western District of Oklahoma. The court addressed the emergency motion and the initial procedures for responding to the habeas petition, including notice of any future transfer.

PROCEDURAL HISTORY

Fernando Lopez Vasquez filed a federal habeas petition while detained in Oklahoma City, Oklahoma, challenging his ICE detention. He also filed an emergency motion for a temporary restraining order. The district court ordered Respondents to respond to the emergency motion, answer the petition or file a pre-answer motion, provide advance notice of any transfer or relocation, and comply with related filing procedures.

DISPOSITION

other

CASES CITED

- Boutwell v. Keating, 399 F.3d 1203, 1210 n.2 (10th Cir. 2005)

OPINION

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA
FERNANDO LOPEZ VASQUEZ,)) Petitioner,)) v.) Case No. CIV-26-147-G) ROBERT
CERNA, Acting Field) Office Director of Dallas Field Office,) U.S. Immigration and Customs)
Enforcement, et al.,)) Respondents.) ORDER Petitioner Fernando Lopez Vasquez, appearing
through counsel, filed a Petition for Writ of Habeas Corpus (“Petition,” Doc.

No. 1) pursuant to 28 U.S.C. § 2241, challenging his detention by U.S. Immigration and Customs Enforcement. At the time the Petition was filed, Petitioner was in custody in Oklahoma City, Oklahoma. Id. at 1, 3. Petitioner has also filed an Emergency Motion for Temporary Restraining Order (Doc. No. 3).

The undersigned has examined the Petition and ORDERS as follows: 1. Respondents shall, no later than February 2, 2026, file any response to Petitioner's Emergency Motion for Temporary Restraining Order (Doc. No. 3). 2. Within fourteen (14) days of the date of this Order, Respondents shall file an answer to the Petition in accordance with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts.¹ Alternatively, Respondents may file a pre-answer motion.

¹ The Court may apply the Rules governing 28 U.S.C. § 2254 cases to habeas petitions arising under 28 U.S.C. § 2241. See R. 1(b), R. Governing § 2254 Cases in U.S. Dist. Cts.; *Boutwell v. Keating*, 399 F.3d 1203, 1210 n.2 (10th Cir. 2005). a. If Respondents file an answer, Petitioner may file a reply within seven (7) days after the date the answer was filed.

See R. 5(e), R. Governing § 2254 Cases in U.S. Dist. Cts. b. If Respondents file a motion, Petitioner may file a response within ten (10) days after the date the motion was filed. See LCvR 7.1(g). 3. The Petition alleges that Petitioner is confined within the territorial jurisdiction of the Western District of Oklahoma. So that counsel may have knowledge of Petitioner's whereabouts and maintain the ability to communicate with him: a. Respondents shall file written notice at least seventy-two (72) hours before any instance of removing, transferring, relocating, or otherwise moving Petitioner, regardless of whether the new location is within the territorial jurisdiction of the Western District of Oklahoma. b. If Respondents contest that Petitioner is presently being held within the territorial jurisdiction of the Western District of Oklahoma, they shall file a written notice stating the name and location of the facility in which Petitioner is confined.

Such notice shall be provided promptly after Respondents become aware of Petitioner's location. 4. The Clerk of Court is directed to send, by email to Assistant United States Attorneys Scott Maule and Rebecca West, copies of each filing entered in this matter as of the date of this Order to the United States Attorney for the Western District of Oklahoma for acceptance on behalf of Respondents.

5. The Clerk of Court is further directed not to issue summonses. See R. 4, R. Governing § 2254 Cases in U.S. Dist. Cts. IT IS SO ORDERED this 28th day of January, 2026. CHARLES B. GOODWIN United States District Judge