

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Manual Tambriz Tzep v. Kenneth Genalo, et al.

Tambriz Tzep v. Genalo · No. 26-CV-453 (JPO) · Decided January 17, 2026

SUMMARY

The court issued an interim order in a 28 U.S.C. § 2241 habeas proceeding to preserve its jurisdiction pending assignment of the case. The order bars the petitioner’s removal and limits his transfer to facilities within the Southern or Eastern Districts of New York or the District of New Jersey, absent further court order.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	J. Paul Oetken
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	January 17, 2026
DOCKET	26-CV-453 (JPO)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. Acting as the Part I judge pending assignment of the case, the court entered an interim order preserving its jurisdiction and facilitating further proceedings.
PRECEDENTIAL VALUE	unpublished nonprecedential interim order
PARTIES	Manual Tambriz Tzep v. Kenneth Genalo, et al.

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- injunctions
- immigration

PRACTICE AREAS

- federal habeas corpus
- immigration detention
- immigration
- injunctive relief

QUESTIONS PRESENTED

1. Whether the court should temporarily prohibit petitioner's removal from the United States to preserve jurisdiction over the pending § 2241 petition.
2. Whether the court should temporarily restrict petitioner's transfer to facilities outside specified districts to facilitate petitioner's participation in the habeas proceedings.

HOLDINGS

1. To preserve the court's jurisdiction pending a ruling on the § 2241 petition, petitioner shall not be removed from the United States absent further order of the court.
2. Pending further order, respondents shall not transfer petitioner except to a facility within the Southern District of New York, Eastern District of New York, or District of New Jersey.

KEY QUOTATIONS

“This order will remain in effect unless and until it is vacated or modified by the judge who is assigned to this action.”

FACTUAL BACKGROUND

Petitioner Manual Tambriz Tzep filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court determined that immediate interim relief was necessary to preserve its jurisdiction while the case awaited assignment and to protect petitioner's ability to participate in further proceedings. The order therefore restricted removal and limited transfer to facilities within the Southern District of New York, Eastern District of New York, or District of New Jersey.

PROCEDURAL HISTORY

Manual Tambriz Tzep filed a § 2241 habeas petition. Before assignment of the action to another judge, the Part I judge ordered that petitioner not be removed from the United States and not be transferred outside specified districts absent further court order. The order remains effective unless vacated or modified by the assigned judge.

DISPOSITION

other

CASES CITED

- Khalil v. Joyce, No. 25-CV-1935, 2025 WL 750599, at *1 (S.D.N.Y. Mar. 10, 2025)
- Du v. United States Department of Homeland Security, No. 25-CV-0644, 2025 WL 1317944, at *1 (D. Conn. Apr. 24, 2025)
- Perez y Perez v. Noem, No. 25-CV-4828, 2025 WL 1908284, at *2-*3 (S.D.N.Y. June 13, 2025)
- Arostegui-Maldonado v. Baltazar, No. 25-CV-2205, 2025 WL 2280357, at *14-*16 (D. Colo. Aug. 8, 2025)
- Oliveros v. Kaiser, No. 25-CV-7117, 2025 WL 2677125, at *8-*9, *11 (N.D. Cal. Sept. 18, 2025)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK MANUAL
TAMBRIZ TZEP, Petitioner 26-CV-453 (JPO) -against- ORDER KENNETH GENALO, et al.,
Respondents. J. PAUL OETKEN, United States District Judge: Petitioner has filed a Petition for a
writ of habeas corpus under 28 U.S.C. § 2241.

The Court, having examined the Petition, and in its capacity as Part I Judge, determines that an
immediate order is necessary to preserve the Court's jurisdiction pending assignment of the case to
a judge of this Court.

Accordingly, in 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, No. 25-CV-1935, 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 Sec., No. 25-CV-0644, 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, 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, 2025 WL 2280357, at *14-16 (D. Colo. Aug.
8, 2025) (same); Oliveros v. Kaiser, No. 25-CV-7117, 2025 WL 2677125, at *8-9, *11 (N.D.

Cal. Sept. 18, 2025) (same). This order will remain in effect unless and until it is vacated or
modified by the judge who is assigned to this action. 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. SO ORDERED. Dated: January 17, 2026 New York, New York |] J.
PAUL OETKEN United States District Judge Part I