

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Hector Antonio Ecute Lemus v. Joseph Freden, NY Director, Buffalo Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; et al.

No. 6:26-CV-06397-MAV (W.D.N.Y. Apr. 9, 2026) · No. 6:26-CV-06397-MAV · Decided April 9, 2026

SUMMARY

The United States District Court for the Western District of New York denied without prejudice Hector Antonio Ecute Lemus’s motion for a temporary restraining order seeking to prevent his transfer outside the district while his 28 U.S.C. § 2241 habeas petition is pending. The court concluded that the alleged harm was speculative and premature and declined to interfere with immigration detention-placement authority under 8 U.S.C. § 1231(g)(1). The court ordered the respondents to show cause within 14 days and directed that Lemus not be transferred out of the United States until the court determines whether an evidentiary hearing is warranted.

CASE DETAILS

COURT	United States District Court for the Western District of New York
JURISDICTION	United States District Court for the Western District of New York
DECIDED	April 9, 2026
DOCKET	6:26-CV-06397-MAV
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, a civil immigration detainee, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and moved for a temporary restraining order barring his transfer outside the Western District of New York.
STANDARD OF REVIEW	For a TRO, the movant must make a clear showing supporting the extraordinary remedy and must first demonstrate that irreparable harm is likely. Where the requested injunction against the federal government would affect action taken under a statutory or regulatory scheme, the movant must also show a likelihood of success on the merits, favorable balance of hardships, and that the public interest would not be disserved.
PRECEDENTIAL VALUE	unpublished

PARTIES

Hector Antonio Ecute Lemus v. Joseph Freden, NY Director, Buffalo Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; et al.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether petitioner was entitled to a temporary restraining order preventing respondents from transferring him outside the Western District of New York.
2. Whether the court should interfere with DHS's statutory discretion to arrange an appropriate place of detention for an immigration detainee.
3. What response and supporting materials respondents must provide in response to the § 2241 petition.

HOLDINGS

1. The TRO was denied without prejudice because petitioner's asserted interference with communication with counsel was speculative and premature, and he was unlikely at that juncture to demonstrate entitlement to the requested relief.
2. The court declined to interfere with respondents' authority to arrange an appropriate place of detention under 8 U.S.C. § 1231(g)(1), particularly because the court retained jurisdiction over the habeas petition regardless of where petitioner was held.
3. Respondents were ordered to show cause within 14 days why the requested § 2241 relief should not be granted and to provide specified immigration and custody records; petitioner may respond within seven days after service of respondents' return.

KEY QUOTATIONS

“A temporary restraining order is an “extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.”” (TRO section)

“Irreparable harm is the “sine qua non for preliminary injunctive relief,” and the moving party must first demonstrate that irreparable harm would be “likely” in the absence of injunctive relief before other factors toward granting relief will be considered.” (TRO section)

“This provision “provides DHS with broad authority to decide where an alien is detained.”” (TRO section)

“28 U.S.C. § 2243 provides that “[a] court entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted.”” (Order to Show Cause section)

FACTUAL BACKGROUND

Hector Antonio Ecute Lemus, a citizen of Guatemala, was held as a civil immigration detainee at the Buffalo Federal Detention Facility. He sought to prevent respondents from transferring him outside the Western District of New York, asserting that a transfer would interfere with his ability to communicate with counsel. The court found the asserted harm speculative and premature and noted that DHS has statutory authority to arrange appropriate places of detention for persons detained pending removal or a removal decision.

PROCEDURAL HISTORY

Petitioner filed the § 2241 petition and TRO motion on April 6, 2026, while detained at the Buffalo Federal Detention Facility. The court denied the TRO without prejudice, ordered respondents to show cause within 14 days why the requested habeas relief should not be granted, allowed petitioner seven days to respond to respondents' return, and directed respondents not to transfer petitioner out of the United States until the court determines whether an evidentiary hearing is warranted.

DISPOSITION

other

CASES CITED

- *Rumsfeld v. Padilla*, 542 U.S. 426 (2004)
- *JBR, Inc. v. Keurig Green Mountain, Inc.*, 618 F. App'x 31, 33 (2d Cir. 2015)
- *USA Recycling, Inc. v. Town of Babylon*, 66 F.3d 1272, 1295 (2d Cir. 1995)
- *Sussman v. Crawford*, 488 F.3d 1386, 140 (2d Cir. 2007)
- *New York v. United States Department of Education*, 477 F. Supp. 3d 279, 294 (S.D.N.Y. 2020)
- *Nken v. Holder*, 556 U.S. 418, 435 (2009)
- *Candido v. Bondi*, No. 25-CV-867 (JLS), 2025 WL 3123696, at *2 (W.D.N.Y. Nov. 7, 2025)
- *Dorval v. Barr*, 414 F. Supp. 3d 386, 396 (W.D.N.Y. 2019)
- *Shaikh v. Barr*, No. 20-CV-6300 CJS, 2020 WL 7021443, at *3 (W.D.N.Y. Nov. 30, 2020)