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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Y.G.H.,<sup>1</sup>

Petitioner-Plaintiff,

v.

DONALD J. TRUMP, et al.,<sup>2</sup>

Respondents-Defendants.

CASE NO. 1:25-CV-435-KES-SKO

MOTION TO DISMISS FOR LACK OF  
JURISDICTION OR, ALTERNATIVELY, TO  
TRANSFER TO DISTRICT OF CONFINEMENT

Hereby, Respondents move to dismiss without prejudice, or to transfer, the underlying petition and associated motion for temporary restraining order (TRO) filed under 28 U.S.C. § 2241 and 28 U.S.C. § 1651(a).<sup>3</sup> ECF 1, 4. By his petition and TRO motion, Petitioner demands orders of declaratory

<sup>1</sup> Respondents move to bar use of initials to hide proceedings from the public in violation of federal law. *See* Fed. R. Civ. P. 10(a); *see also Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000); *accord Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 188–89 (2d Cir. 2008).

<sup>2</sup> Respondents also move to strike and to dismiss all unlawfully named officials under 28 U.S.C. § 2241 and 28 U.S.C. § 1651(a). A petitioner seeking “core” habeas corpus relief is limited to name only the officer having custody of him as the respondent to the petition. *Riego v. Current or Acting Field Office Director*, Slip Op., no. 1:24-cv-1162-SKO-HC, 2024 WL 4384220, (E.D. Cal. Oct. 3, 2024) (ordering § 2241 petitioner, an alien, to file a motion to amend his petition to “name a proper respondent” and setting forth that “[f]ailure to amend the petition and state a proper respondent will result in dismissal of the petition for lack of jurisdiction”); *see also* 28 U.S.C. § 2242; *Rumsfeld v. Padilla*, 542 U.S. 426, 430 (2004); *Doe v. Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024); *Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 894 (9th Cir. 1996). Petitioner’s immediate custodian is the facility administrator of the Bluebonnet Detention Facility located in Anson, Texas.

<sup>3</sup> In submitting this filing, Respondents do not waive, and specifically preserve, any defenses related to service of process and jurisdiction.

1 and injunctive relief. However, as a threshold matter, this Court has no jurisdiction over Petitioner,  
 2 Petitioner's immediate custodian, or otherwise to issue the relief demanded. Indeed, Petitioner is not  
 3 confined in the Eastern District of California, and he was not confined in this district at the time his  
 4 petition and TRO motion were filed.

### 5 I. BACKGROUND

6 Petitioner is an alien, whose country of origin is Venezuela. On February 15, 2025, he was taken  
 7 into DHS custody and initially detained at the Golden State Annex facility located in McFarland,  
 8 California.<sup>4</sup> ECF 1 at 6. Appendix at 2. The Golden State Annex is in the Eastern District of  
 9 California. *Doe*, 109 F.4th at 1190.

10 On April 14, 2025, Petitioner departed the Golden State Annex, and he was transferred to the  
 11 Bluebonnet Detention Facility in Anson, Texas. Appendix at 2. Specifically, on April 14, in the early  
 12 morning hours, Petitioner completed checking out of the Golden State Annex. Then, on April 14, at  
 13 9:10 a.m. Pacific Standard Time ("PST"), Petitioner departed the state of California on a flight from the  
 14 Southern California Logistics Airport in Victorville, California.<sup>5</sup> *Id.* On April 14, at 7:10 p.m. Central  
 15 Time (or 5:10 p.m. PST), Petitioner arrived at the Abilene Regional Airport in Abilene, Texas. *Id.*  
 16 Since 5:10 p.m. PST on April 14, Petitioner has been checked in at the Bluebonnet Detention Facility  
 17 and thus has been residing in the Northern District of Texas. *Id.*; see 28 U.S.C. § 124(a)(3).

18 On April 14, at 8:33 p.m. PST, Petitioner's counsel, Jordan Wells, emailed Assistant U.S.  
 19 Attorneys in the Eastern District of California, claiming that he had filed the underlying petition, ECF 1,  
 20 "one hour ago." Appendix at 3. Mr. Wells also indicated that he intended to file a TRO to prevent,  
 21 among other things, Petitioner's transfer out of the Eastern District of California and, ultimately, the  
 22 United States. *Id.* In fact, on April 15, at 2:28 a.m. PST, Mr. Wells emailed the Clerk of this Court and  
 23 transmitted the underlying petition and TRO motion. *Id.* at 4.

24 On April 15, this Court filed an order granting Petitioner temporary relief under § 1651. ECF 9.  
 25 The order invoked the express authority in the All Writs Act to issue temporary injunctions to safeguard

26 <sup>4</sup> Petitioner, as an "arriving alien," is subject to mandatory detention under 8 U.S.C. § 1225(b);  
 27 INA § 235(b). See *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019).

28 <sup>5</sup> Victorville is in San Bernardino County, in the Central District of California. See 28 U.S.C.  
 § 84(c)(1).

jurisdiction. *Id.* at 2.<sup>6</sup>

## II. ARGUMENT

As a threshold matter, this Court must assess its habeas jurisdiction “before proceeding to any other issue.” *Hernandez v. Campbell*, 204 F.3d 861, 865 (9th Cir. 2000). Indeed, a federal district court generally is barred from entertaining an action over which it has no jurisdiction. *Id.* Also, as a matter of well-established federal law, a district court is without jurisdiction over habeas claims concerning petitioners and custodians outside the judicial district. *Doe*, 109 F.4th at 1197–99. This is true in part because a district court proceeding under habeas without jurisdiction cannot provide relief. *Id.*; *see also Brown v. United States*, 610 F.2d 672, 677 (9th Cir. 1990).

Recently, in *Trump v. J.G.G.*, the Supreme Court made clear that habeas claims, such as the ones advanced by Petitioner, *see generally* ECF 1, 4, sound exclusively in habeas, and that jurisdiction over them lies solely in the district of confinement. *Trump v. J.G.G.*, no. 24A931, 604 U.S. \_\_\_, 2025 WL 1024097, at \*1 (U.S. Apr. 7, 2025) (per curiam). There, the putative class of detained Venezuelan nationals initially pursued habeas relief, declaratory relief, and injunctive relief in the district court for the District of Columbia, but eventually dismissed their habeas claims in favor of their other claims. *Id.* They secured TROs “preventing any removal of the named plaintiffs and preventing removal under the AEA of a provisionally certified class consisting of ‘[a]ll noncitizens in U.S. custody who are subject to’ the Proclamation.” *Id.* The Supreme Court vacated TRO motions granted by a district court on jurisdictional grounds. *Id.* It held that the petitioners’ claims, which necessarily imply the invalidity of their confinement and removal, “fall within the ‘core’ of the writ of habeas corpus and must be brought in habeas.” *Id.* (citations omitted). In turn, jurisdiction over such a core habeas petition “lies in only one district: the district of confinement.” *Id.* at \*2 (citation and quotation marks omitted); *see also Doe*, 109 F.4th at 1197–99 (vacating grant of habeas relief where detained immigrant filed petition in judicial district other than the district of confinement).

<sup>6</sup> In *A.A.R.P., et al. v. Trump, et al.*, no. 25-cv-59 (N.D. Tex.), petitioners detained at the Bluebonnet Detention Facility are litigating an action on behalf of a putative class of detainees and are alleged to face potential removal under the Alien Enemies Act. On April 19, 2025, the Supreme Court filed an order in the *A.A.R.P.* litigation stating, “[t]he Government is directed not to remove any member of the putative class of detainees from the United States until further order of this Court.” *A.A.R.P. v. Trump*, no. 24A1007, 2025 WL 1147581, at \*1 (U.S. Apr. 19, 2025).

As an initial matter, there can be no dispute that, following *J.G.G.*, Petitioner's claims attacking his potential removal under the AEA fall within the core of habeas and sound exclusively in habeas. Here, however, Petitioner was residing in the Northern District of Texas at the time he filed the underlying action. Appendix at 2, 4. Thus, this Court has no jurisdiction over Petitioner, has no jurisdiction over Petitioner's present custodian, and importantly this Court lacks jurisdiction to provide a remedy. *J.G.G.*, 2025 WL 1024097, at \*1–\*2; *see also Padilla*, 542 U.S. at 443 (the general rule for core habeas petitions is that jurisdiction lies only in the district of confinement); *Khalil v. Joyce*, \_\_\_ F. Supp. 3d \_\_\_, no. 25-cv-1935 (JMF), 2025 WL 849803, at \*2 (S.D.N.Y. Mar. 19, 2025) (rejecting counsel for petitioner's guess as to proper district court-of-custody filing as a basis for habeas jurisdiction).

Accordingly, this Court may transfer the instant matter to the Northern District of Texas (Abilene Division). *Hernandez*, 204 F.3d at 865 (recognizing that 28 U.S.C. § 1631 governs the transfer of civil habeas actions to cure jurisdictional defects); *see* 28 U.S.C. § 1631 ("Whenever a civil action is filed in a court . . . and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court . . . in which the action or appeal could have been brought at the time it was filed or noticed . . .").

Further, following 28 U.S.C. § 1406(a), while arguably limited to venue, "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." *See e.g., Singh v. Wolf*, no. CV-20-1169-PHX-SPL (JFM), 2020 WL 8083631 (D. Ariz. Dec. 16, 2020), *report and recommendation adopted in* 2021 WL 101042 (D. Ariz. Jan. 12, 2021) (in habeas proceedings collateral to removal proceedings, as in this case, the Arizona district court where petitioner was initially held granted the government's motion to transfer to the Southern District of Mississippi where petitioner was in fact detained upon initiation of his collateral habeas proceeding); *accord Goldlawr, Inc. v. Heiman*, 369 U.S. 463, 466 (1962) (the Supreme Court holding that a defect in venue could be solved by transfer under this provision "whether the court in which it was filed had personal jurisdiction over the defendants or not").

Alternatively, this Court may dismiss the underlying petition (without prejudice to filing in the



1 district court-of-confinement), deny Petitioner's TRO motion, and vacate its April 15, 2025 order  
2 granting temporary relief under § 1651(a), all for lack of statutory authority and constitutional infirmity.  
3 See Rule 4 of the Rules Governing Section 2254 Cases (a district court "must promptly examine" the  
4 petition and, "[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not  
5 entitled to relief," the "judge must dismiss the petition").

6 Here, dismissal is warranted because this Court does not have personal jurisdiction over the  
7 Petitioner or his custodian, and without such jurisdiction, this Court lacks the authority to direct the  
8 actions of the restraining authority. *J.G.G.*, 2025 WL 1024097, at \*1-\*2; *Doe*, 109 F.4th at 1197-99;  
9 *Malone v. Calderon*, 165 F.3d 1234, 1237 (9th Cir. 1999). At least, the underlying petition, TRO  
10 motion, and extant order granting temporary relief are constitutionally infirm through lack of standing.  
11 *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992) (a litigant, to establish standing, must show  
12 he suffered an injury in fact that is "concrete and particularized," can be fairly traced to the opposing  
13 party's action, and can be redressed by a favorable decision of the court); see also *Warth v. Seldin*, 422  
14 U.S. 490, 498 (1975) (standing is absent when the named litigants are not "entitled to have the court  
15 decide the merits of the dispute").

16 In either event (transfer or dismissal), this Court must deny Petitioner's motion for a TRO as  
17 moot because it lacks the authority to preserve the status quo of an action over which it lacks  
18 jurisdiction. Further, it should vacate its April 15 order granting provisional relief under the All Writs  
19 Act. In short, the federal district courts may use the All Writs Act to "issue all writs necessary and  
20 appropriate in aid of their . . . jurisdiction[.]" 28 U.S.C. § 1651(a). But here, this Court lacked  
21 jurisdiction from the inception of this action and, as a result, its grant of provisional, temporary relief is  
22 not in aid of its jurisdiction.

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1 **III. CONCLUSION**

2 For the foregoing reasons, the Court should either transfer Y.G.H.'s petition and complaint to the  
3 U.S. District Court for the Northern District of Texas or, alternatively, dismiss the petition and  
4 complaint without prejudice. It should also deny Y.G.H.'s motion for a TRO as moot and vacate its  
5 order filed April 15, 2025.

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7 Dated: April 21, 2025

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9 By: /s/ MICHELLE RODRIGUEZ  
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