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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

Y.G.H., Petitioner-Plaintiff, v. DONALD J. TRUMP, et al., Respondents-Defendants.	CASE NO. 1:25-CV-435-KES-SKO REPLY IN SUPPORT OF MOTION TO DISMISS FOR LACK OF JURISDICTION OR, ALTERNATIVELY, TO TRANSFER TO DISTRICT OF CONFINEMENT

This Court should either transfer Y.G.H.'s petition and complaint to the district court in the Northern District of Texas or, alternatively, dismiss this case without prejudice so that Y.G.H. may refile it there. The Northern District of Texas—which was Y.G.H.'s district of confinement at the time he filed his petition, and remains so—is the only jurisdiction in which Y.G.H.'s action can proceed.[1]

Two aspects of this motion and record are undisputed and provide this Court what it needs to grant respondents' motion. Legally, the Supreme Court has instructed that jurisdiction over claims like those raised by Y.G.H. lies in one district: the district of confinement. *See Trump v. J. G. G.*, 145 S. Ct. 1003, 1005–06 (2025) (per curiam); *Rumsfeld v. Padilla*, 542 U.S. 426, 443, 447 (2004); *see also Doe v. Garland*, 109 F.4th 1188, 1192 (9th Cir. 2024) ("The *Padilla* district of confinement and immediate custodian rules are firmly entrenched in the law of this and other circuits."). Factually, it is undisputed

[1] In submitting this filing, respondents do not waive, and specifically preserve, any defenses related to service of process and jurisdiction.

that Y.G.H. was confined in the Northern District of Texas when his counsel filed the instant case in the Eastern District of California. *See* Appendix at 1–3; Petty Decl. ¶ 6. Thus, Y.G.H. should proceed in the Northern District of Texas.

Resisting this conclusion, Y.G.H. invokes footnote 18 of *Padilla*, Justice Kennedy's concurring opinion, and Justice Stevens's dissenting opinion to advocate for an "unknown location" rule that encourages ad hoc results and strays from the core rule that a petitioner must file his petition in his district of confinement.[2] *See* Opp'n to Mot. to Dismiss or Transfer at 7; *but see Padilla*, 542 U.S. at 450 ("If Justice STEVENS' view were accepted, district courts would be consigned to making ad hoc determinations as to whether the circumstances of a given case are 'exceptional,' 'special,' or 'unusual' enough to require departure from the jurisdictional rules this Court has consistently applied. We do not think Congress intended such a result."). Neither *Padilla* nor the other authority cited by Y.G.H. supports his invitation to reject the district-of-confinement rule in this case.

First, Y.G.H.'s location was not confidential and non-disclosable and, thus, footnote 18 does not aid him. In that footnote, the *Padilla* majority opinion addressed the dissent's concern about how to apply the immediate-custodian and district-of-confinement rules where an individual "is held in an undisclosed location by an undisclosed custodian." 542 U.S. at 450 n.18. Although the majority explained that such a rule would not apply to Padilla, it did not embrace or announce an exception to the habeas rules based on an unknown location. Moreover, the footnote's brief discussion should be viewed in terms of *Demjanjuk v. Meese*, 784 F.2d 1114 (D.C. Cir. 1986), to which it was responding. In *Demjanjuk*, Judge Bork relaxed the rules in "very limited and special circumstances" where a person to be extradited was being held in a "confidential location," and where "it would be inappropriate to order the whereabouts of the petitioner made public." 784 F.2d at 1115–16. Those are not the facts here. Y.G.H. was not held in a confidential location, his location became publicly known in relatively short order, and the Court did not find it inappropriate to make that location or the custodian public. Taking Y.G.H.'s averred facts as true, his counsel[3]—who had routinely been checking the locator website—

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[2] As respondents argued in their motion, a petitioner must also name his immediate custodian, and that did not occur here. But this Court can resolve the motion narrowly by applying the district-of-confinement rule.

[3] It is unclear from the record when Y.G.H.'s counsel started representing Y.G.H. and whether

were unable to locate him for a period of time. But Y.G.H.'s location was not confidential and non-disclosable, as was the case in *Demjanjuk*.

Similarly, Justice Kennedy's concurring opinion in *Padilla* does not warrant a result other than transfer or dismissal here. There, Justice Kennedy, joined by Justice O'Connor, stated that he "would acknowledge an exception if there is an indication that the Government's purpose in removing a prisoner were to make it difficult for his lawyer to know where the habeas petition should be filed, or where the Government was not forthcoming with respect to the identity of the custodian and the place of detention." *Padilla*, 542 U.S. at 454 (Kennedy, J., concurring). To start, this concurring opinion did not establish a rule. *See Khalil v. Joyce*, no. 25-CV-1935 (JMF), 2025 WL 849803, at *8 (S.D.N.Y. Mar. 19, 2025) (noting that "it is far from clear that Justice Kennedy's opinion is the law of the land," observing an absence of relief granted based on that opinion, and describing argument based on that opinion as resting on "shaky foundation"); *see also Padilla*, 542 U.S. at 435–36 (describing Justice Kennedy's opinion as providing a "proposed" exception to normal rules). In any event, although Y.G.H.'s counsel averred that they had difficulty obtaining information from ICE's detainee locator system and phone lines on the day they filed the petition, this difficulty does not indicate that the government acted with a "purpose" of making it difficult for counsel to know where to file or refused to disclose information to Y.G.H.'s counsel. (As noted, it is unclear when precisely Y.G.H.'s counsel began representing Y.G.H., and counsel have not suggested that they made ICE aware of their representation, if any, prior to filing the habeas petition.)

Y.G.H. also invokes the *Ozturk* and *Khalil* cases in arguing that the "unknown location" exception has been applied. Whatever those cases have to say about the application of an exception to the immediate-custodian rule where the custodian is unknown, the upshot of those cases is telling. In each, the district courts vindicated the requirement that petitioners file in their place of confinement by transferring each case to the judicial district in which each petitioner was confined at the time of filing.

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that occurred before they filed this case. *See* Petty Decl. ¶ 2 (explaining how counsel became aware of Y.G.H. but not when counsel began representing him); Kavanagh Decl. ¶ 9 (describing meeting Y.G.H at a clinic and giving him a document, but not describing when representation started); Y.G.H. Decl. ¶¶ 9, 11 (explaining that Y.G.H. did not have enough money to pay an attorney to help him with his immigration case and describing the "flyer" Kathleen Kavanagh had given him at the clinic).

Ozturk v. Trump, no. 25-CV-10695-DJC, 2025 WL 1009445, at *1, *10–11 (D. Mass. Apr. 4, 2025) (transferring case to District of Vermont, where petitioner was confined at the time the petition was filed); *Ozturk v. Trump*, no. 2:25-cv-374, 2025 WL 1145250, at *6–7 (D. Vt. Apr. 18, 2025) (denying respondents' motion to dismiss after transfer from District of Massachusetts to District of Vermont, where petitioner had been confined at time of filing, relying on district-of-confinement rule), *appeal filed* Apr. 24, 2025; *Khalil*, 2025 WL 849803, at *11–14 (transferring action from Southern District of New York to District of New Jersey, where petitioner was confined at the time the petition was filed); *Khalil v. Joyce*, no. 25-CV-01963 (MEF)(MAH), 2025 WL 972959, at *37 (D.N.J. Apr. 1, 2025) (denying respondents' motion to dismiss after transfer to District of New Jersey, where petitioner was confined at time of filing), *motion to certify appeal granted*, no. 25-CV-01963 (MEF) (MAH), 2025 WL 1019658 (D.N.J. Apr. 4, 2025).

Finally, respondents reiterate that if there are extant concerns about dismissal of this action, transfer to the U.S. District Court in the Northern District of Texas remains an entirely viable option for resolving this motion. Transfer would vindicate the district-of-confinement rule, preserve the status quo of Y.G.H.'s pending action, and place this action in the only appropriate jurisdiction. *See, e.g.*, *Ozturk*, 2025 WL 1009445, at *1, *10–11 (transferring case to District of Vermont, where petitioner was confined at the time the petition was filed); *Khalil v. Joyce*, 2025 WL 849803, at *11–14 (transferring action to District of New Jersey, where petitioner was confined at the time the petition was filed). Respondents squarely raised the option of transfer in its motion, but Y.G.H. neither acknowledged nor addressed it in his opposition brief. And inasmuch as the Court has concerns about Y.G.H.'s status while the case is transferred to the correct jurisdiction, it has the option to leave in place its April 15 order entered under the All Writs Act.[4] *See Ozturk*, 2025 WL 1009445, at *11 (transferring action to

[4] Insofar as Y.G.H.'s petition alleges a fear of removal based on a potential invocation of the Alien Enemies Act, he might very well be presently protected from removal from the United States under an existing Supreme Court order. On April 19, the Supreme Court filed an opinion in *A.A.R.P. v. Trump*, arising from class action litigation in the Northern District of Texas, ordering that "[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." 145 S. Ct. 1034 (2025) (citing 28 U.S.C. § 1651(a)). The day before, the named petitioners in *A.A.R.P.* filed an amended motion to certify a putative class described as: "All noncitizens in custody in the Northern District of Texas who were, are, or will be subject to the March 2025 Presidential Proclamation entitled 'Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren De Aragua' and/or its implementation." *A.A.R.P. v. Trump*, no. 1:25-cv-59-H (N.D. Tex.), Dkt. 39; *see also* Stipulation, Apr. 30, 2025, *A.A.R.P. v. Trump*, no. 1:25-cv-

district of confinement but leaving in place order barring petitioner's removal "unless and until the transferee court orders otherwise"); *Khalil*, 2025 WL 849803, at *14 (same).

For the foregoing reasons and those stated in respondents' motion, the Court should either transfer Y.G.H.'s petition and complaint to the U.S. District Court for the Northern District of Texas or, alternatively, dismiss the petition and complaint without prejudice.

Dated: May 2, 2025

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By: /s/ MICHELE BECKWITH
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59-H (N.D. Tex.), Dkt. 60 (describing respondents' representations that the named petitioners were being detained for removal proceedings consistent with the Immigration and Nationality Act, that respondents were not prepared to represent that the named petitioners will not under any circumstances be removed pursuant to the AEA, but that "[t]he named petitioners will not be removed pursuant to the AEA while their habeas petition is pending").