

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

AZIZ ZAMIROV,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 25 C 6540
	)	
SAM OLSON, Chicago Field Office Director,	)	Judge Jenkins
U.S. IMMIGRATION AND CUSTOMS	)	
ENFORCEMENT, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**JOINT STATEMENT**

The parties jointly submit the following statement concerning plaintiff Aziz Zamirov's detention location as directed by this court on August 6, 2025. Dkt. 25.

*Petitioner's Statement:*

**Jurisdiction over Habeas Petition of Aziz Zamirov**

**I. Governing Law**

Under 28 U.S.C. § 2241(a), a writ of habeas corpus may be granted by the district courts "within their respective jurisdictions." The default rule is that jurisdiction lies in the district where the petitioner is confined and naming his immediate custodian as respondent. However, as the Supreme Court held in *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004), and as the Seventh Circuit reaffirmed in *Gamboa v. Daniels*, 26 F.4th 410 (7th Cir. 2022), once a habeas petition is properly filed in the district of confinement, the court retains jurisdiction even if the petitioner is later transferred outside that district.

The Seventh Circuit in *Gamboa* stated:

*"When the Government moves a habeas petitioner after he properly files a petition*

*naming his immediate custodian, the District Court retains jurisdiction and may direct the writ to any respondent within its jurisdiction who has legal authority to effectuate the prisoner's release."* *Gamboa*, 26 F.4th at 414 (quoting *Padilla*, 542 U.S. at 441).

This rule prevents the Government from divesting a court of jurisdiction through post-filing transfers.

## **II. Application to the Present Case**

Mr. Zamirov filed his § 2241 habeas petition in the Northern District of Illinois on June 12, 2025, while physically detained within this District at the Broadview, Illinois facility. At that time, both his place of confinement and his immediate custodian were within this Court's territorial jurisdiction.

His subsequent transfer to Indiana occurred only after this Court had exercised jurisdiction and entered orders, including the Emergency Stay of Transfer or Removal. Under *Gamboa*, such a post-filing transfer "does not divest the court of jurisdiction" so long as a respondent with the authority to effectuate release remains within the court's jurisdiction — here, the ICE Chicago Field Office Director and other named officials.

## **III. Court's Authorization of Transfer and Preservation of Venue and Jurisdiction**

On June 13, 2025, during the in-person status hearing, Respondents' counsel argued that, under the bar erected by the Illinois TRUST Act to immigration detention in Illinois, 5 ILCS 805/15(a)(g)(1), and given the absence of any federal immigration detention center within Illinois, it was necessary to transfer Petitioner to a nearby state. On that basis, Respondents' counsel requested an amendment to the Court's Emergency Order to permit such a transfer.

Government counsel further represented on the record that if Petitioner were transferred to the States of Indiana or Wisconsin, they: (1) would waive any arguments related to improper venue, and (2) would not contest personal jurisdiction based on that transfer.

Following the hearing, the Court issued a Modified Emergency Order Concerning Stay of Transfer or Removal, modifying its prior June 12, 2025, order. The Modified Order states that, unless otherwise directed by the Court, Respondents shall not remove Petitioner from the jurisdiction of the United States, nor transfer Petitioner to any judicial district outside the states of Illinois, Indiana, or Wisconsin prior to 5:00 PM on June 25, 2025, and incorporates the Government's recorded representations regarding waiving arguments relating to improper venue or personal jurisdiction, so long as service of the habeas petition is effectuated on Respondents by Petitioner's counsel.

Pursuant to this authorization, Petitioner was transferred to the Clark County Jail located in Indiana, where he remains in custody to date. Accordingly, while the Court permitted the transfer, the Government expressly agreed on the record that no future challenge to venue or jurisdiction would be raised against this Court on the basis of that transfer.

Because jurisdiction is determined at the time of filing, and because a post-filing transfer does not divest this Court of its authority under binding Seventh Circuit precedent, this Court retains full jurisdiction over Mr. Zamirov's habeas petition. The fact that Petitioner's place of detention subsequently changed is immaterial to the question of jurisdiction. Jurisdiction attaches at the moment the petition is properly filed, naming the appropriate respondent within the Court's territorial reach, and remains unaffected by later movements of the Petitioner so long as a respondent with the authority to effectuate release remains within this District. Consequently, the

change in detention location — authorized by the Court under the conditions that venue and personal jurisdiction would not later be contested — cannot serve as a basis to defeat or diminish the Court’s jurisdiction over these proceedings.

Respondents’ Statement: U.S. Immigration and Customs Enforcement (“ICE”) has confirmed that Mr. Zamirov remains detained at the Clark County Jail located in Clark County, Indiana. Petitioner’s arguments above focus on (personal) jurisdiction over the custodians, but that does not answer this court’s query about where would be “the most prudent” location to litigate Mr. Zamirov’s present detention in Clark County. Dkt. 25. Thus, although respondents are not moving to transfer this case, courts may transfer an action under 28 U.S.C. § 1404(a) to a more convenient district on their own volition. *See, e.g., In re Ryze Claims Sol., LLC*, 968 F.3d 701, 706 n.5 (7th Cir. 2020) (“It is well established that a district court has the authority to sua sponte transfer a case under 28 U.S.C. § 1404.”).

Under § 1404, transfers are appropriate where: (1) venue is proper in both the transferor and transferee court; (2) transfer serves the convenience of the parties and witnesses; and (3) transfer is in the interest of justice. *See AL & PO Corp. v. Am. Healthcare Cap., Inc.*, No. 14 C 1905, 2015 WL 738694, at \*2 (N.D. Ill. Feb. 19, 2015) (citing *Vandeveld v. Christoph*, 877 F. Supp. 1160, 1167 (N.D. Ill. 1995)). Respondents believe these factors are satisfied here and that “the most prudent course would be to transfer this case to the jurisdiction where [Zamirov] is confined,” Dkt. 25, which would be the United States District Court for the Southern District of Indiana.

Respectfully submitted,

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