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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**FERNANDO LEDESMA GONZALEZ,**

Case No. 6:25-cv-01149-MTK

Petitioner,

v.

**RESPONDENTS' RESPONSE TO  
PETITIONER'S BRIEF**

**DREW BOSTOCK; TODD LYONS;  
U.S. IMMIGRATION AND  
CUSTOMS ENFORCEMENT;  
KRISTI NOEM; U.S. DEPARTMENT  
OF HOMELAND SECURITY;  
PAMELA BONDI,**

Respondents.

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Respondents through counsel provide the following response to Petitioner's brief, ECF No. 12. For the following reasons, the Court should deny Petitioner's request and dismiss this matter for lack of jurisdiction or, in the alternative, transfer this matter to the appropriate jurisdiction—the U.S. District Court for the Western District of Washington.

## **I. BACKGROUND**

This is a habeas case arising under 28 U.S.C. § 2241 in which the Petitioner challenges his immigration detention on constitutional and statutory grounds. Petitioner is a Mexican national who was detained by immigration authorities on July 1, 2025, in Eugene, Oregon. Petition ¶¶ 36, 47. Petitioner left Oregon in the custody of immigration officials at approximately 7:31 P.M. and arrived at the Northwest ICE Processing Center in Tacoma, Washington at 10:20 P.M. on July 1, 2025. Declaration of Jason Weiss (“Weiss Decl.”), ¶¶ 15-16. The habeas petition initiating this action was filed at 10:20 A.M. on July 2, 2025.

## **II. ARGUMENT**

### **A. This Court lacks jurisdiction over the habeas petition.**

The “general rule [is] that for core habeas petitions challenging present physical confinement,” the petition must be filed in this petitioner’s district of confinement and must name his immediate custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). “In short, and putting the rules together, ‘[w]henver a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.’” *Doe v. Garland*, 109 F.4th 1188, 1192 (9th Cir. 2024) (quoting *Padilla*, 542 U.S. at 447); *see also Trump v. J. G. G.*, 145 S. Ct. 1003, 1005–06 (“For core habeas petitions, jurisdiction lies in only one district: the district of confinement.”). Under the terms of the habeas statute, district courts are limited to granting habeas relief “within their respective jurisdictions.” 28 U.S.C. § 2241(a). The term jurisdiction in this context refers to “the sense that it is used in the habeas statute, 28 U.S.C. § 2241(a), and not in the sense of subject-matter jurisdiction of the District Court.” *Padilla*, 542 U.S. at 434 n.7.

Here, Petitioner challenges his immigration detention and seeks, among other things, his immediate release from custody. The Ninth Circuit has held that both the “immediate custodian” and “district of confinement” rules apply to core habeas petitions challenging a petitioner's immigration detention under § 2241. *Doe*, 109 F.4th at 1193 (“The *Padilla* district of confinement and immediate custodian rules are firmly entrenched in the law of this and other circuits.”).

Under the “district of confinement” rule, this Court lacks jurisdiction. At the time the habeas petition was filed, Petitioner was confined in the state of Washington. Petitioner initially was detained in Oregon on July 1, 2025, crossed the border into Washington state at approximately 7:31 P.M., and arrived at the Northwest ICE processing center in Tacoma, Washington at 10:21 P.M. Weiss Decl. ¶¶ 15, 20. Immediate transfer was necessary because the Eugene ERO office does not have the necessary facilities to detain Petitioner for a time period longer than necessary for routine processing. The petition was filed in this Court the following day, at 10:20 A.M. on July 2. Because Petitioner was confined in Washington when the petition was filed, this Court lacks jurisdiction to grant the relief requested. *See Padilla*, 542 U.S. at 442.

To the extent Petitioner argues that this case falls within an “unknown location” exception to the district of confinement rule, the Court should reject the argument. In *Padilla*, the Supreme Court appeared to endorse an exception to the district of confinement rule in cases where the petitioner's location is unknown. *See Padilla*, 542 U.S. at 450 n.18 (“When, . . . a prisoner is held in an undisclosed location by an unknown custodian, it is impossible to apply the immediate custodian and district of confinement rules.”). However, the facts in this case do not support the application of the exception, which has not been applied to brief, limited periods of transfer between known detention locations. *See Y.G.H. v. Trump*, No. 1:25-CV-00435-KES-SKO, 2025

WL 1519250, at \*7 (E.D. Cal. May 27, 2025) (stating that the petitioner “does not point to any case in which a court applied his proposed ‘unknown location’ rule in the context of a detainee’s relatively brief unknown location status during a transfer between known detention locations”).

Petitioner cites Justice Kennedy’s concurrence in *Padilla*, which was joined by Justice O’Connor, in support of his argument that this Court may retain jurisdiction over the Petition. Br. at 3–4. Justice Kennedy’s concurrence “would acknowledge an exception” to the immediate custodian and district of confinement rules “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. Justice Kennedy’s proposed exception to the district of confinement rule appears in a concurring opinion and therefore is non-binding. *But see Schmitz v. Zilveti*, 20 F.3d 1043, 1045 (9th Cir. 1994) (noting that a concurrence by Justice White was given “particular weight” where the concurring justices’ votes were necessary to the formation of a majority).

Even assuming without conceding that the concurring opinion by Justice Kennedy is applicable law, Petitioner has failed to establish that this case falls within that exception. Petitioner has not established that the purpose for the transfer was to make it difficult for counsel to know where to file a habeas petition. Petitioner’s brief acknowledges “[u]ndersigned counsel knows from experience that immigration detainees in Oregon are often transported to the ICE detention facility in Tacoma,” and that is precisely what happened here. Br. at 4.

Petitioner has also failed to establish that the government “repeatedly move[d] [Petitioner] from one district to another to prevent a filing from catching up to his location.” *Y.G.H. v. Trump*, No. 1:25-CV-00435-KES-SKO, 2025 WL 1519250, at \*8 (E.D. Cal. May 27, 2025). Petitioner

cites two case, *Khalil v. Joyce* and *Suri v. Trump*, to argue that, recently, other detainees have been transported to multiple other locations within a short time frame. But in this case, Respondents did not repeatedly move Petitioner from one district to another, but rather transported him directly to a detention facility where Petitioner's counsel knows detainees in Oregon are often transported.

In addition, Petitioner cites no support for the contention that jurisdiction should remain in Oregon because current counsel is not able to practice law in Washington. The question in this case is not whether petitioner may bring a habeas petition, but where the habeas petition must be filed. Under the district of confinement rule, this Court lacks jurisdiction over this matter.

**B. Dismissal of the petition or, in the alternative, transfer to the Western District of Washington is warranted.**

When a Court lacks jurisdiction over a matter, generally dismissal is appropriate. However, 28 U.S.C. § 1631 provides that “if a court finds there is a want of jurisdiction the court shall transfer the action to any other such court in which the action could have been brought, if it is in the interests of justice.” *Miller v. Hambrick*, 905 F.2d 259, 262 (9th Cir. 1990) (quotation and citation omitted). The federal transfer statute applies in habeas proceedings. *Cruz-Aguilera v. I.N.S.*, 245 F.3d 1070, 1074 (9th Cir. 2001). Transfer is appropriate when (1) the transferring court lacks jurisdiction; (2) the transferee court could have exercised jurisdiction at the time the action was filed; and (3) the transfer is in the interests of justice. *Id.*

Here, the Court should dismiss this matter for lack of jurisdiction. In the alternative, the Court should transfer the matter to the U.S. District Court for the Western District of Washington if the Court finds that transfer serves the interests of justice.

### III. CONCLUSION

For the foregoing reasons, the Court should dismiss this matter for lack of habeas jurisdiction. In the alternative, the Court should transfer the matter to the U.S. District Court for the Western District of Washington.

Respectfully submitted this 14th day of July 2025.

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/s/ Susanne Luse  
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