

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RUBEN LUCIANO-JIMENEZ,	:	Case No. 3:20-cv-2384
Movant	:	(Judge Mannion)
	:	
v.	:	
	:	
CLAIR DOLL, Warden, et al.,	:	
Respondent ¹	:	

BRIEF IN OPPOSITION TO MOVANT’S MOTION TO ENFORCE

This is a closed habeas action filed on December 18, 2020, by Movant Ruben Luciano-Jimenez through counsel who was previously released from immigration detention by Order of this Court and who has recently been returned to the custody of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE/DHS). (Doc. 41.) In the instant motion to enforce, Luciano-Jimenez requests this Court grant his immediate release because he contends that his current detention is a violation of the Court’s July 6, 2021, order directing his release from custody and closing the case. (Docs. 40, 41.) For the following reasons, the motion should be denied.

¹ As will be discussed below, the only appropriate respondent for a challenge to Movant’s current detention at the Orange County Correctional Facility in Goshen, NY is the warden of that facility. Warden Doll, or his successor, is not an appropriate party because Movant is not currently detained at a facility controlled by him.

I. PROCEDURAL AND FACTUAL BACKGROUND

A. Immigration Removal Proceedings

In the most recent immigration decision by the Board of Immigration Appeals (BIA), the procedural history was summarized as follows:

On January 7, 2014, an Immigration Judge granted the respondent's application for withholding of removal under section 241(b)(3) of the Immigration and Nationality Act ("INA", 8 U.S.C. §1231(b)(3)). On August 21, 2018, the Immigration Judge granted DHS' motion to terminate the respondent's grant of relief due to his aggravated felony drug trafficking conviction. A different Immigration Judge granted the respondent's application for CAT protection on February 14, 2019. On August 8, 2019, we sustained DHS' appeal and remanded the record for the Immigration Judge to determine whether the respondent had testified credibly. On September 30, 2019, the Immigration Judge made a positive credibility determination and found the respondent eligible for CAT protection. We sustained DHS' appeal and reversed the positive credibility finding and grant of CAT protection on September 22, 2020. On December 7, 2020, the United States Court of Appeals for the Third Circuit granted the Government's motion to remand for the Board to consider whether, upon determining that the Immigration Judge had clearly erred in granting deferral of removal pursuant to the CAT, a remand for additional fact-finding became necessary. This matter was last before the Board on September 21, 2021, when we remanded the record for fact-finding necessary to determine the respondent's eligibility for CAT protection.

On October 20, 2021, the respondent timely filed the motion to reconsider currently at issue. *See* 8 C.F.R § 1003.2(b)(2). DHS filed its opposition on November 5, 2021. The Immigration Judge returned the record to the Board on December 3, 2021. *See* 8 C.F.R §§ 1003.2(a) (the Board may reconsider any case in which it has rendered a decision), 1003.23(b)(1) (an Immigration Judge may reconsider any case in which he has made a decision, unless jurisdiction is vested with the Board).

(Ex. A, BIA Decision dated July 12, 2022.)

The BIA denied the motion for reconsideration and remanded the record to the Immigration Judge. (*Id.*) Movant attaches a hearing notice in the immigration proceedings scheduled before the Baltimore Immigration Court for February 25, 2026. (Doc. 41-1.) That hearing has been cancelled pursuant to the Order of the Immigration Judge of the Baltimore Immigration Court changing venue on June 26, 2025. (Ex. B, Baltimore IJ Order Dated June 26, 2025.) On July 1, 2025, the New York Immigration Court scheduled a master calendar hearing for July 9, 2025. (Ex. C, NY IJ Hearing Notice.)

B. Relevant Prior District Court Proceedings

This closed habeas action was initially filed on December 18, 2020, by Movant Ruben Luciano-Jimenez who was an immigration detainee at the York County Prison. (Doc. 1.) Luciano-Jimenez requested this Court to grant his immediate release because he asserted that his detention had become prolonged and arbitrary. (*Id.*)

On February 19, 2021, the parties filed a Joint Stipulation requesting the Court grant the petition to the extent Luciano-Jimenez be granted a bond hearing pursuant to *German Santos v. Warden Pike County Corr. Facility*, 965 F.3d 203, 214 (3d Cir. 2020) and *Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, 475, 477-78 (3d Cir. 2015). (Doc. 9.) On March 2, 2021, the Court approved the Stipulation and ordered a bond hearing. (Doc. 15.) On March 30, 2021, Movant's counsel advised

the Court that Luciano-Jimenez had received a bond hearing but that it was “not individualized.” (Doc. 18.) On April 22, 2021, Luciano-Jimenez filed a Motion to Enforce. (Doc. 19.)

The motion was referred to then Chief Magistrate Judge Mehalchick² for the purposes of determining whether the Movant received an individualized bond hearing and to conduct a hearing, if necessary. (Doc. 23.) Judge Mehalchick determined that the bond hearing held by the Immigration Judge did not meet due process requirements and conducted an individualized bond hearing on July 1, 2021. (Docs. 24, 29.)

In her Report and Recommendation, Judge Mehalchick recommended that the Movant should be released subject to conditions pending further proceedings. (Doc. 33.) Judge Mehalchick further recommended that Luciano-Jimenez be released subject to the terms of his supervised release as set forth in his Judgment and Conviction in the United States District Court for the Southern District of New York.³ (*Id.*) On July 3, 2021, the parties filed a joint notice indicating that neither party objected. (Doc. 35.) On July 6, 2021, this Court adopted the Report and

² Judge Mehalchick has since been appointed to this Court as a District Judge.

³ At the time of the previous proceedings in this Court, Movant was still subject to supervised release related to his prior felony conviction for conspiracy to distribute and possession with intent to distribute heroin. *United States v. Ruben Luciano De Los Santos*, Case No. 1:17-cr-00185 (S.D.N.Y. Feb. 27, 2018) (Docket No. 76, Judgment and Conviction). The period of supervision has since expired.

Recommendation and ordered Movant released subject to the terms of his criminal supervised release. (Doc. 36.) Thereafter, the Court's docket in this matter was closed. (*See generally*, Docket.)

On June 24, 2025, Movant, through counsel filed the instant motion and a brief in support seeking to enforce the previous order of the Court and for Movant's immediate release. (Docs. 40, 41.) The basis of the instant motion is ICE/DHS recently placed Movant into immigration custody after arresting him in Bronx, NY on June 19, 2025. (*Id.*)

C. Relevant Conduct of Movant Since His Release in 2021

Since his release from immigration custody by this Court and the expiration of his supervised release in the SDNY, Luciano-Jimenez has been charged on four occasions with criminal offenses:

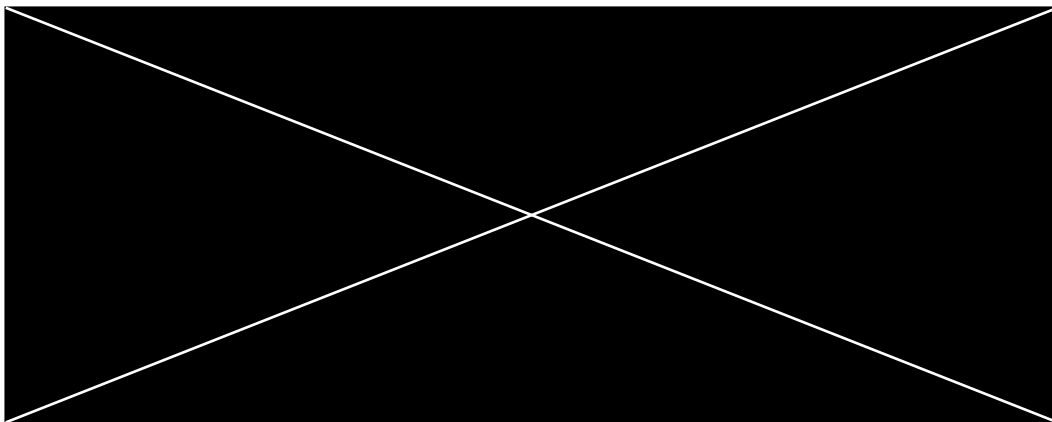
- March 7, 2023, arrested by Paramus Police Department on charges of receiving stolen property.⁴
- December 6, 2023, arrested by Yorktown Town Police Department on felony charges of Criminal Possession Weapon - 3rd degree and Possession Forged Instrument- 2nd degree.

⁴ The Form I-213 has a typo indicating the arrest occurred on "March 27;" however, the criminal history records indicate the correct date of the arrest as March 7. (Ex. D, Criminal History.)

- May 4, 2024, arrested by the New York Police Department on felony charges of grand larceny- 4th degree and criminal possession stolen property - 4th degree.
- May 27, 2025, arrested by the New York Police Department on misdemeanor charge of menacing.

(Ex. E, Form 1-213, Record of Deportable/Inadmissible Alien; Ex. D, Criminal History.)

The undersigned could not locate dispositions to the criminal arrests from 2023 and 2024. Luciano- Jimenez was arraigned on the charges from the arrest on May 27, 2025. The recent charges include: 1 count of Menacing in the 2nd degree with a weapon (NY PL 120.14 01); 1 count of criminal possession of a weapon in the 4th degree with the intent to use it unlawfully against another (NY PL 265.01 02); and 1 count of harassment in the 2nd degree (NY PL 240.26 01). (Ex. F, NY State Unified Court Record – Charges.) According to the affidavit in the pending criminal proceedings:



(Ex. G, Affidavit.)

D. Current Immigration Detention

After Movant was arrested on May 27, 2025, ICE/DHS issued a detainer to the NY state authorities and an administrative warrant for his arrest. (Ex. H, Detainer; Ex. I, Warrant.) However, the detainer was not honored, and Movant was released at some time thereafter. ICE/DHS arrested Movant at his residence in Bronx County, NY on June 19, 2025. (Ex. E, Form I-213.) Movant has a drug trafficking felony from his 2016 conviction. (Ex. A, BIA Decision dated July 12, 2022; Ex. E, Form I-213.) He is deportable as an alien present without admission pursuant to 8 U.S.C. § 1182(a)(6)(A)(i), INA § 212(a)(6)(A)(i). (Ex. A, BIA Decision dated July 12, 2022; Ex. E, Form I-213.) His drug trafficking conviction subjects him to mandatory detention pursuant to 8 U.S.C. § 1226(c)(1)(A); *see also* 8 U.S.C. § 1182(a)(2)(A)(i)(II).

Recently on June 26, 2025, the Immigration Court in Baltimore transferred venue to the Immigration Court in New York to that court's detained docket. (Ex. B, Baltimore IJ Order Dated June 26, 2025.) On July 1, 2025, the New York Immigration Court scheduled a master calendar hearing for July 9, 2025. (Ex. C, NY IJ Hearing Notice.)

II. QUESTIONS PRESENTED

- A. **Whether the Court should deny the motion to enforce for lack of jurisdiction because the Movant is not confined within this district?**
- B. **Alternatively, whether the Court should deny the motion because Luciano-Jimenez is lawfully detained?**

III. ARGUMENT

- A. **The Court should deny the motion to enforce for lack of jurisdiction because the Movant is not confined within this district.**

In a recent decision by the Supreme Court, the Court reiterated that “jurisdiction lies in only one district: the district of confinement.” *Trump v. J.G.G.*, 604 U.S. ---, 145 S. Ct. 1003, 1005-06 (2025) (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).) Movant’s argument that this Court retains jurisdiction over the current confinement which began years after compliance with the order releasing him and which occurred in a different judicial district is contrary to the immediate custodian rule. In *Padilla*, the Court explained as follows:

District courts are limited to granting habeas relief “within their respective jurisdictions.” 28 U.S.C. § 2241(a). We have interpreted this language to require “nothing more than that the court issuing the writ have jurisdiction over the custodian.” *Braden*, 410 U.S., at 495, 93 S.Ct. 1123. Thus, jurisdiction over Padilla's habeas petition lies in the Southern District only if it has jurisdiction over Commander Marr. We conclude it does not.

Congress added the limiting clause-“within their respective jurisdictions”-to the habeas statute in 1867 to avert the “inconvenient [and] potentially embarrassing” possibility that “every judge anywhere [could] issue the Great Writ on behalf of applicants far distantly removed from the courts whereon they sat.” *Carbo v. United States*,

364 U.S. 611, 617, 81 S.Ct. 338, 5 L.Ed.2d 329 (1961). Accordingly, with respect to habeas petitions “designed to relieve an individual from oppressive confinement,” the traditional rule has always been that the Great Writ is “issuable only in the district of confinement.” *Id.*, at 618, 81 S.Ct. 338.

542 U.S. at 442. “The plain language of the habeas statute thus confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Id.* at 443.

To avoid the jurisdictional limitation imposed by the statute and precedent, Movant argues that this Court retains jurisdiction to enforce its prior order. However, this Court’s previous order has been fully complied with and all relief ordered was provided in 2021.

Specifically, this Court ordered that “the Movant be RELEASED subject to the conditions imposed by this supervised release in the Southern District of New York, immediately.” (Doc. 36 at 3.) It is undisputed that Movant was released in 2021 subject to the conditions of supervised release in the SDNY. Movant’s three years of supervised released expired in 2021 after his release from immigration custody. *See Luciano*, Case No. 1:17-cr-00185 (S.D.N.Y. Feb. 27, 2018) (Docket No. 76, Judgment and Conviction). There are no further terms or conditions set by this Court to enforce.

The cases cited by Movant are not applicable. In *Gibbs v. Frank*, the Third Circuit observed that the district court had jurisdiction to enforce its conditional

order to retry a state criminal defendant within 120 days subject to excludable time under state law or to release the defendant. *Gibbs v. Frank*, 500 F. 3d 202, 203 (3d Cir. 2007). In *Santos v. Lowe*, the district court had jurisdiction to enforce its order for an immigration judge to hold a constitutionally adequate bond hearing. *Santos v. Lowe*, Civ. No. 1:18-CV-1553, 2020 WL 4530728 *2-4 (M.D.Pa. Aug. 6, 2020). In *Anariba v. Director Hudson Cty. Corr. Center*, the Third Circuit observed that a habeas petitioner's transfer from a custodian within a district at the time the petition was filed to a place of confinement and custodian outside of the district does not defeat subject matter jurisdiction. *Anariba v. Director Hudson Cty. Corr. Center*, 17 F.4t h 434, 446 (3d Cir. 2021). None of those cases support the proposition that a district court retains jurisdiction over a habeas petitioner after their release and later detained in another district court's vicinage on a basis distinct from the one previously considered.

Rather, Movant's challenge is to his current immigration detention at the Orange County Correctional Facility in Goshen, NY.⁵ (Doc. 41.) That facility lies within the jurisdiction of the United States District Court for the Southern District of New York. (Ex. C, NY IJ Hearing Notice.) Movant was arrested in Bronx, NY on June 19, 2025. (Ex. B, Form I-213.) His current confinement has no nexus to this district or its order from four years ago. All of the conduct supporting the current

⁵ <https://locator.ice.gov/odls/#/results>

detention post-dates the previous order by two years or more and all of the conduct occurred outside this district. (Ex. B, Form I-213.) Likewise, Movant is detained outside this district and was not detained within this district at the time the current motion was filed. Further, the Immigration Court where Movant's immigration proceedings have been transferred is located in New York. (Ex. C, NY IJ Hearing Notice.) This is not a case where the order of release has not been complied with or where the Movant has been transferred before complying with the order.

The Movant had been released in full compliance with this Court's order. He was subject to criminal supervised release until it expired in 2021. ICE/DHS contends new conduct occurred outside the jurisdictional boundaries of this Court long after the date of the Court's prior order. The legal sufficiency of the current detention should be addressed by the district court having jurisdiction over the immediate custodian and Immigration Court. *See* 28 U.S.C. § 2241(a) ("Writs of habeas corpus may be granted by . . . the district courts . . . within their respective jurisdictions."). Therefore, this Court should deny the motion for lack of jurisdiction. *See Padilla*, 542 U.S. at 442.

B. Alternatively, the Court should deny the motion because Luciano-Jimenez is lawfully detained.

Movant's mandatory detention since June 19, 2025, does not violate the due process clause of the Fifth Amendment because it has not been prolonged or arbitrary. The Supreme Court's decision in *Jennings v. Rodriguez*, 583 U.S. 281

(2018), abrogated the United States Court of Appeals for the Third Circuit's statutorily based decisions in *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011), and *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469 (3d Cir. 2015), that Section 1226(c) contained a fixed point in an alien's detention necessitating a bond hearing because those decisions fundamentally relied on the doctrine of constitutional avoidance. Instead, the Supreme Court held that the canon could not be applied to 8 U.S.C. § 1226(c).

In discussing the effect of *Jennings* on mandatory detention, the Third Circuit confirmed the well-settled principle within this District that the statutory holding and explicit time-frames set forth in both *Diop* and *Chavez* have been abrogated; however, a petitioner may still raise an as-applied challenge to the constitutionality of his detention. *See German Santos v. Warden of Pike County Correctional Facility*, 965 F.3d 203, 208 (3d Cir. 2020) (holding an as-applied constitutional challenge to mandatory detention is allowable even though *Jennings* abrogated the construction of the statute as implicitly limiting detention without a bond hearing, because it left the framework for as-applied constitutional challenges intact). Specifically, where a petitioner challenges the constitutionality of Section 1226(c) as applied to him, the Court must apply the constitutional reasoning underlying *Diop* and *Chavez* and, in order for petitioner to show he is entitled to a bond hearing, he must show that the ongoing detention is so unreasonable or arbitrary that it has

actually violated his rights under the Due Process Clause. *See German Santos*, 965 F.3d at 210.

Section 1226(c) does not provide for release on bond. However, in other immigration bond contexts, “[an arrest can be considered in determining whether an immigrant should be detained—not only convictions. . . .]” *See United States v. Cisneros*, No. 19-cr-00200280-RS-5, 2021 WL 5908407 *4 (N.D.Cal. Dec. 14, 2021) (citing *In re Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006); *see also Reyes v. King*, No. 19 Civ. 8674, 2021 WL 3727614 *9 (S.D.N.Y. Aug. 20, 2021) (observing that “the BIA . . . was permitted to consider evidence of crimes for which Petitioner was not convicted.”)

Here, Movant was originally charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) and placed in expedited removal proceedings. (Ex. E, Form I-213.) In so far as is relevant to the instant matter, Movant sought relief pursuant to the Convention Against Torture (CAT). (Ex. A, BIA Decision dated July 12, 2022.) After completing his sentence for felony drug trafficking, ICE/DHS placed Movant into mandatory detention pursuant to 8 U.S.C. § 1226(c) as his removal proceedings are not yet administratively final. (Ex. A, BIA Decision dated July 12, 2022; Ex. E, Form I-213.) On July 6, 2021, this Court ordered Movant released subject to the terms of his remaining criminal supervised release. (Doc. 36.)

After Movant was arrested on May 27, 2025, in New York for the most recent criminal charges, ICE/DHS lodged a detainer with state authorities that was not honored. (Ex. H, Detainer.) On June 19, 2025, ICE/DHS arrested Movant at his residence pursuant to a warrant and placed him back in immigration detention. (Ex. E, Form I-213; Ex. I, Warrant.) Due process did not require pre-arrest notice and hearing where mandatory detention has been held to be a constitutionally permissible part of the immigration process. *Demore v. Kim*, 538 U.S. 510, 523 (2003); *see also Miranda v. Garland*, 34 F.th 338, 359-365 (4th Cir. 2022) (distinguishing the private interest of United States citizens and detention of aliens in removal proceedings and holding that bond procedures pursuant to 8 U.S.C. § 1226(a) were constitutionally adequate); *Borbot v. Warden Hudson Cnty. Corr. Facility*, 906 F.3d 274, 279 (3d Cir. 2018) (observing that the court of appeals “perceive[d] no problem with” the bond procedure under section 1226(a) requiring the alien to bear the burden of proof).

Movant is subject to mandatory detention pursuant to section 1226(c)(1)(A) because he has a felony drug conviction, *see* 8 U.S.C. § 1182(a)(2)(A)(i)(II), and has been arrested on at least four occasions since his previous release from immigration detention. On June 26, 2025, the Immigration Court in Baltimore transferred venue to the Immigration Court in New York to that court’s detained docket. (Ex. B, IJ

Order Dated June 26, 2025.) On July 1, 2025, the New York Immigration Court scheduled a master calendar hearing for July 9, 2025. (Ex. C, NY IJ Hearing Notice.)

Movant's most recent immigration detention as of the date of this filing has only reached 19 days. Although he is detained at a county correctional facility, his removal proceedings are progressing, and his case has been transferred to the Varick Immigration Court where a hearing has been scheduled for July 9, 2025. (Ex. C, NY IJ Hearing Notice.) Those proceedings will become administratively final after the Immigration Judge holds a hearing and issues a decision pursuant to the BIA's remand and the expiration of any time to appeal the decision of the Immigration Court. If an appeal is filed, the proceedings will become administratively final when the BIA issues its decision. Thus, the proceedings have a definite termination point. Therefore, Movant's current detention is lawful. However, as stated above, the Court should deny the motion for lack of jurisdiction and not reach the merits of the motion.

IV. CONCLUSION

For the foregoing reasons, the Court should deny Luciano-Jimenez's motion.

Respectfully submitted,

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ACTING U.S. ATTORNEY

/s/ Timothy S. Judge
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Dated: July 8, 2025

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Movant	:	(Judge Mannion)
	:	
v.	:	
	:	
CLAIR DOLL, Warden, et al.,	:	
Respondent	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers. That on July 8, 2025, she served a copy of the attached

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by electronic service pursuant to Local Rule 5.7 and Standing Order 04-6, ¶12.2 to the following individual(s):

Addressee:
Richard Frankel
Richard.Frankel@drexel.Edu

s/Maureen Yeager
Maureen Yeager
Paralegal Specialist

