



U.S. Department of Justice

United States Attorney
District of New Jersey
Civil Division

ALINA HABBA
ACTING UNITED STATES ATTORNEY

Frances C. Bajada
Assistant United States Attorney

970 Broad Street, Suite 700
Newark, New Jersey 07102
frances.bajada@usdoj.gov

main: (973) 645-2700
direct: (973) 297-2038

August 18, 2025

ECF

Honorable Katharine S. Hayden
United States District Judge
Frank Lautenberg U.S. Courthouse
One Constitution Square
Newark, New Jersey 07102

Re: *Rivera Zumba v. Bondi, et al.*, Civil No. 25-14626 (KSH)
Response to Petitioner's Letter Regarding Jurisdiction

Dear Judge Hayden:

This Office represents the Respondents in the above habeas matter. As directed by the Court today, I write to respectfully provide Respondents' position regarding jurisdiction over the habeas petition filed on August 14, 2025. *See* ECF 6.

Respondents respectfully maintain that this Court lacks jurisdiction over the habeas petition because Petitioner was not detained in the District of New Jersey at the time her counsel filed the petition at "around 1:30 pm" on August 14, 2025. *See* ECF 5. According to the United States Immigration and Customs Enforcement ("ICE"), Petitioner departed Delaney Hall Detention Facility in Newark, New Jersey, at around 7:31 a.m. on August 14, 2025, and she was on route to the Adelanto ICE Processing Center in Adelanto, California, where she is currently detained. After she departed Delaney Hall Detention Facility, Petitioner arrived at the Baltimore/Washington International Airport ("BWI") at around 12:50 p.m. on August 14, 2025. She then departed BWI at around 2:00 p.m., thirty minutes after Petitioner's counsel filed in this District.

Based on these facts, the Court lacks jurisdiction over the habeas petition because Petitioner was not confined in the District of New Jersey at the time her counsel filed the petition. Rather, at the time she filed the petition, Petitioner was confined in Maryland.

In terms of identifying the proper district of confinement, *Munoz-Saucedo v. Pittman*, 25-2258 (CPO) is distinguishable from Petitioner’s matter. In *Munoz-Saucedo*, the parties did not locate the district in which Petitioner was physically located when he filed the petition. In *Munoz-Saucedo*, ICE described Petitioner’s whereabouts only generally when his counsel filed the petition in New Jersey at 5:40 p.m. Specifically, ICE represented that at 3:55 p.m. petitioner “was on a flight to Texas,” arrived in Texas at some unstated time, and was “booked into custody” in Texas the next day, April 3, 2025. *Munoz-Saucedo*, 2025 WL 1750346, at *2. No fact indicated where petitioner was located at 5:40 p.m.

Here, however, Petitioner was in Maryland when the petition was filed at 1:30 p.m. on August 14, 2025. That means that the District of Maryland had jurisdiction over the petition at the time it was filed. Indeed, the same facts exist in *Ozturk v. Hyde*, 136 F.4th 382 (2d Cir. 2025), the main case upon which *Munoz-Saucedo* relied.

In *Ozturk*, the petitioner filed her petition in Massachusetts at 10 p.m. on March 25, 2025. *Id.* at 390. Her counsel did not know petitioner’s whereabouts when he filed at 10 p.m., but ICE later disclosed during the habeas case that petitioner was in Vermont at 10 p.m. Namely, the petitioner had arrived at an ICE field office in Vermont a few minutes after 10 p.m. *Id.* at 390-91; *see also id.* at 391 (“It is now undisputed that at that time [*i.e.*, 10 p.m.], Öztürk was not in the District of Massachusetts—she was already in Vermont.”). Accordingly, the Court stated,

The Supreme Court has made clear ‘the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.’ At the time the petition was filed, that “one district” was the District of Vermont, where Öztürk was in transit to an ICE facility for the night. Vermont is therefore the only district in which the petition could have been brought at the time it was filed, and thus the only district to which it could be transferred under § 1631.

Id. at 391 (internal citations omitted).¹

The decision in *Khalil v. Joyce*, No. 25-1963 (MEF), ECF 153, 2025 WL 972959 (D.N.J. Apr. 1, 2025), also supports the conclusion that the District of New Jersey lacks jurisdiction over the instant habeas petition. In *Khalil*, the petitioner filed a habeas petition in the U.S. District Court for the Southern District of New York, when he was in fact detained in the District of New Jersey. The Southern District of New York then transferred the petition to the District of New Jersey. But by then, the

¹ *Munoz-Saucedo* and *Ozturk* also discussed the naming of the proper custodian, which is an additional component of the Court’s habeas jurisdiction. At this time, ICE is not raising a jurisdictional challenge based on the named custodian.

petitioner had been moved to the Western District of Louisiana and was therefore no longer in New Jersey. In rejecting a motion to dismiss for lack of habeas jurisdiction (or in the alternative to transfer), the District Court for the District of New Jersey relied on 28 U.S.C. § 1631, which permits a transferor court to transfer a case for lack of jurisdiction to a transferee court in which the case could have been brought at the time of filing. And because Khalil was in New Jersey at the time of filing, the District Court concluded that the petition could have been filed in the District of New Jersey when it was improperly filed in the Southern District of New York. Accordingly, the District Court determined that it retained jurisdiction under 28 U.S.C. § 1631. *See id.* at *15-20.

I thank the Court for its consideration of this matter, and I look forward to the hearing scheduled tomorrow at 10 a.m.

Respectfully submitted,

TODD W. BLANCHE
U.S. Deputy Attorney General

ALINA HABBA
Acting United States Attorney
Special Counsel

By: s/Frances C. Bajada
FRANCES C. BAJADA
Assistant United States Attorney

cc: Counsel of record (ECF)