



**U.S. Department of Justice**

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December 1, 2025

**Via Electronic Filing**

Honorable Susan D. Wigenton, U.S.D.J.  
United States District Court  
Martin Luther King Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

**Re: *Garcia-Alvarado v. Warden, Delaney Hall*, No. 25-16109 (SDW)  
Status Update and Response to Petitioner's Letter Motion**

Dear Judge Wigenton:

This Office represents Respondents in this habeas matter. We respectfully write, pursuant to the Court's November 24, 2025 Order, ECF No. 11, to confirm that Petitioner received a bond hearing on November 28, 2025. *See* Ex. A (Notice of Hearing). At that hearing, an Immigration Judge denied Petitioner's request for bond, finding that he "is a flight risk because (1) he has [an] order of removal dated November 21, 2025, and (2) [he] has no relief available for him in immigration court." Ex. B (Denial of Bond).

We also respectfully write in response to Petitioner's letter motion of November 25, 2025, which seeks an order directing Petitioner's return to custody within the District of New Jersey. ECF No. 12. As the Court is aware, U.S. Immigration and Customs Enforcement (ICE) transferred Petitioner to a detention facility in Mississippi on September 30. The next day, on October 1, the Court entered an Order to Answer stating that ICE "shall not move Petitioner outside of New York, New Jersey, or Pennsylvania during the pendency of this matter." ECF No. 4. Petitioner acknowledges that chronology and does not allege that ICE violated this Court's October 1 Order. ECF No. 12, at 2. Instead, Petitioner claims that transfer back to New Jersey is necessary to protect the Court's jurisdiction over this habeas case, and that his transfer to Mississippi independently violated the Administrative Procedure Act (APA).

As an initial matter, ICE has not argued that Petitioner's transfer divested this Court of jurisdiction. Before the present motion, the Court had already exercised jurisdiction and granted the habeas petition. ECF No. 10. Accordingly, Petitioner's claim that a transfer is necessary to protect jurisdiction is irrelevant and moot.

Insofar as Petitioner claims that transfer to New Jersey is necessary to remedy an independent violation of the APA, ECF No. 12, at 3, the Court lacks jurisdiction for several reasons. First, the underlying habeas petition does not allege an unlawful transfer. “The Court lacks jurisdiction to entertain an application [for injunctive relief] that presents claims and theories that are wholly extraneous to the causes of action asserted in the operative pleading.” *Berry v. Kelly*, No. 22-6113 (RMB-AMD), 2025 WL 1932255, at \*2 (D.N.J. July 11, 2025) (citation omitted).

Second, Petitioner cannot allege an unlawful transfer in this habeas case because “a district court does not have jurisdiction over a habeas corpus challenge” to a transfer between detention facilities. *See Zapata v. United States*, 264 F. App’x 242, 243–44 (3d Cir. 2008). That is because a transfer between facilities, “regardless of their geographical location or security levels, cannot affect the fact or the length of” detention. *Scott v. Zickefoose*, No. 12-782, 2012 WL 1232269, at \*2 (D.N.J. Apr. 11, 2012).

Third, the Immigration and Nationality Act (INA), 8 U.S.C. § 1252(a)(2)(B)(ii), bars judicial review of transfer decisions because “Congress has . . . vested DHS with the discretion to set the place of detention.” *Jane v. Rodriguez*, No. 20-5922 (ES), 2020 WL 10140953, at \*1–2 (D.N.J. May 22, 2020); *see also* 8 U.S.C. § 1231(g)(1) (“The Attorney General shall arrange for appropriate places of detention for aliens detained pending removal or a decision on removal.”); *Edison C. F. v. Decker*, No. 20-15455, 2021 WL 1997386, at \*6 (D.N.J. May 19, 2021) (“Several courts in this District have therefore found that this Court lacks jurisdiction to enjoin a transfer in an immigration habeas matter.”).

For these reasons, Respondents respectfully request that the Court deny Petitioner’s motion, close this matter, and confirm that the October 1 Order prohibiting transfer “during the pendency of this matter” is no longer in effect.

Thank you very much for your consideration.

Respectfully submitted,

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cc: All counsel of record (via ECF)