

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ALVARO LARA MARTINEZ

PETITIONER

V.

CIVIL ACTION NO. 5:25-cv-00105-DCB-LGI

PAM BONDI, KRISI NOEM, TODD LYONS,
AND WARDEN, BATAVIA FEDERAL
DETENTION FACILITY

RESPONDENTS

RESPONDENTS' MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION

Respondents Pam Bondi, Krisi Noem, Todd Lyons, and Warden of Batavia Federal Detention Center (“Respondents”), by and through the Acting United States Attorney for the Southern District of Mississippi, and the undersigned Assistant United States Attorney, respectfully request that the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed against them by Petitioner Alvaro Lara Martinez be dismissed for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2), and in so doing, submit:

1. Petitioner Martinez filed a § 2241 petition on October 1, 2025, against Respondents in the United States District Court for the Western District of New York, challenging his continued detention within the institutional custody of Immigration and Customs Enforcement (“ICE”). *See* Dkt. No. 1.

2. Shortly thereafter, it was determined that Martinez was in Adams County Correctional Center at the time the petition was filed, *see* Dkt. Nos. 4, 5, and this matter was transferred to the Southern District of Mississippi on October 8, 2025. *See* Dkt. No. 6.

3. Martinez's claims against Respondents should be dismissed because, in habeas actions challenging present physical confinement, the only proper respondent is the person having custody over the petitioner. Here, the person with custody over Martinez is the Warden of Adams County Correctional Center, not the named Respondents.

4. For these reasons, Respondents respectfully request that the petition against them be dismissed for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2).

In support of this Motion, Respondents contemporaneously file a Memorandum Brief.

Date: November 24, 2025

Respectfully submitted,

PATRICK A. LEMON
ACTING UNITED STATES ATTORNEY

/s/ Jessica Bourne Williams
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CERTIFICATE OF SERVICE

I, Jessica Bourne Williams, Assistant United States Attorney, hereby certify that, on this date, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which sent notice to all counsel of record.

DATE: November 24, 2025

By: /s/Jessica Bourne Williams
JESSICA BOURNE WILLIAMS
Assistant United States Attorney