

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

MEMORANDUM IN SUPPORT OF RESPONDENTS' MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION

Respondents Pam Bondi, Krisi Noem, Todd Lyons, and Warden of Batavia Federal Detention Center, by and through the Acting United States Attorney for the Southern District of Mississippi, and the undersigned Assistant United States Attorney, submit this memorandum in support of their contemporaneously filed motion to dismiss Petitioner Alvaro Lara Martinez's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2), and in so doing, state as follows:

I. INTRODUCTION

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, *Petition*. On October 3, 2025, the Honorable

Elizabeth A. Wolford, Chief United States District Judge for the Western District of New York, entered an Order requiring Respondents to file an Answer to the petition within 45 days of the Order, making their deadline to Answer November 17, 2025.¹ *See* Dkt. No. 2. Shortly thereafter, it was determined that Martinez was in Adams County Correctional Center at the time the petition was filed, *see* Dkt. No. 5, and this matter was transferred to the Southern District of Mississippi on October 8, 2025. *See* Dkt. No. 6.

As set forth below, the proper respondent to a habeas petition is the person who has custody over the petitioner. To date, Martinez has not amended his petition to name the person with custody over him.² As none of the named Respondents have custody over Martinez, the petition should be dismissed.

II. LAW AND ANALYSIS

“The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is ‘the person who has custody over [the petitioner].’” *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (quoting 28 U.S.C. § 2242). “[L]ongstanding practice confirms that in habeas challenges to present physical confinement- ‘core challenges’- the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.” *Id.* at

¹ Respondents moved for a one-week extension of the November 17th deadline, which this Court granted. *See* Dkt. No. 14, *Mot. For Ext.*, and *Text Only Order* dated Nov. 18, 2025.

² The docket also does not show that Martinez’s custodian – the Warden of Adams County Correctional Center – has been served. *See generally*, Docket.

435; *see id.* at 439 (citations omitted) (“In challenges to present physical confinement, we reaffirm that the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent.”). “The only exceptions to this rule arise in cases involving nonphysical custody or in which the petitioner is moved from the district after the suit is filed.” *Yosef v. Killian*, 646 F. Supp. 2d 499, 506 (S.D.N.Y. 2009) (citation omitted); *see also Nken v. Napolitano*, 607 F. Supp. 2d 149, 156 (D.D.C. 2009) (“[T]he *Padilla* Court rejected the ‘legal control test’ in habeas actions challenging present confinement[,] [t]he proper respondent is the person responsible for maintaining—not authorizing—the custody of the prisoner.”).

In this case, Martinez has named Pam Bondi, Krisi Noem, Todd Lyons, and Warden of Batavia Federal Detention Center, as respondents. However, as this action challenges his present physical confinement, the only proper respondent is the Warden of Adams County Correctional Center. *See Williams v. West Jackson Cnty.*, No. 1:22-cv-335-TBM-RPM, 2022 WL 22954536, at *1, n. 2 (S.D. Miss. Dec. 22, 2022) (“*The Rules Governing Section 2254 Cases in the United States District Courts* require that a petition must name as the respondent the state officer who has custody of petitioner[.]”); *Thanh Ngo v. Siegl*, No. 4:17-cv-3154, 2018 WL 2215889, at *3 (S.D. Tex. May 15, 2018) (dismissing a habeas petition for lack of jurisdiction where petitioner failed to name the warden of the detention facility as a respondent). Accordingly, Respondents should be dismissed from this action for lack of personal jurisdiction. *See Moreland v. Fed. Bureau of Prisons*, 431 F.3d

180, 183 (5th Cir. 2005) (finding whether a respondent is properly named in a habeas petition to be a matter of personal jurisdiction); *but see Thanh Ngo*, 2018 WL 2215889, at *3 (dismissing a petition in which no proper respondent was named for lack of subject matter jurisdiction).

III. CONCLUSION

For the reasons set forth above, Martinez's petition against Respondents should be dismissed due to lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2).

Date: November 24, 2025

Respectfully submitted,

PATRICK A. LEMON
ACTING UNITED STATES ATTORNEY

BY: /s/ Jessica Bourne Williams
JESSICA BOURNE WILLIAMS (MSB #103922)
Assistant United States Attorney
501 E. Court Street, Suite 4.430
Jackson, Mississippi 39201
Telephone: (601) 965-4480
Facsimile: (601) 965-4032
Email: Jessica.Williams3@usdoj.gov

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