IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TRUC BA TRINH, A# [redacted],
PLAINTIFF,

v.

GEORGE STERLING, FIELD OFFICE DIRECTOR OF ICE ATLANTA FIELD OFFICE; ET AL.,
DEFENDANTS.

Civil Action No.
1:25-cv-06037-ELR-JEM

DEFENDANTS' BRIEF REGARDING HABEAS JURISDICTION

Defendants respond as follows to the Court's October 29, 2025 Order directing the parties to brief the issue of habeas jurisdiction in this case (Doc. 12):

Immediate custodian rule: The proper respondent to a habeas petition is the individual "who has custody" over the petitioner. *See* 28 U.S. C. § 2422. In *Rumsfeld v. Padilla*, the Supreme Court reaffirmed the longstanding "immediate custodian" rule, which required the habeas petitioner to name his immediate custodian as the respondent to his petition and to file the petition "in the district of confinement." 542 U.S. 426, 435 (2004). [1] It emphasized that jurisdiction to hear a habeas petition lies solely in the district where the petitioner was confined. 542

[1] In *Padilla*, the petitioner was originally detained in New York and was subsequently transferred to South Carolina. Petitioner filed the habeas petition in the Southern District of New York, arguing that the case should remain there. *See Padilla* at 430-32.

U.S. 426, 435 (2004). In so holding, it rejected the arguments that (a) the rule should be relaxed with respect to prisoners detained for reasons other than federal criminal violations and (b) the proper respondent is the person exercising "legal reality control," rather than physical control, of the petitioner. *See Padilla* at 437-39. Moreover, the Court emphasized that in core habeas challenges to physical confinement, district courts should not create *ad hoc* exceptions to the immediate custodian rule because doing so would be circumvent Congressional intent. *See id.* at 450. The Court noted only one exception to this rule, set out in *Demjanjuk v. Meese*, 784 F.2d 1114 (D.C. Cir. 1986), where the Court was unable to ascertain the petitioner's location even after the commencement of the lawsuit and, therefore, found it "impossible" to identify the district where the immediate custodian was located. *See id.* at 450 n.18.

Both the Supreme Court and this Court have applied the immediate custodian rule to the alien-detainee context. In the recently decided *Trump v. J.G.G.*, the Court reiterated that for "core habeas petitions," jurisdiction lies in only one district—the district of confinement. *See Trump v. J.G.G.*, 604 U.S. 670,

671 (2025).[2] *See also Singh v. Wolf*, No. 1:20-cv-02212-AT-LTW, 2020 WL 13544296, at *1 (N.D. Ga. July 30, 2020) (Final Report and Recommendation).[3] Although Petitioner cites to *Harris v. Nelson* to argue that the court should be flexible when determining jurisdiction, that case addressed the limited circumstances in which a district court could utilize discovery to help resolve the case; it did not address jurisdiction. *See* 394 U.S. 286 (1969).

Petitioner was at SDC at time of filing: In this case, Petitioner filed his petition for habeas relief (the Petition) with this Court on October 21, 2025 at 11:22 p.m. (Doc. 13, ¶ 2). At that time, Petitioner had already been booked into the Stewart Detention Facility (SDC) in Lumpkin, Georgia (Doc. 14-1, ¶4). Therefore, jurisdiction lies exclusively with the U.S. District Court for the Middle District of Georgia.

Petitioner argues that he was not "processed" at SDC until later that evening, after the Petition was filed. *See* Doc. 17 at 13-14. For support, Petitioner relies on the declarations of two employees of Petitioner's counsel, neither of

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[2] The *J.G.G.* Court found that because the detainees were confined in Texas, venue was improper in the District of Columbia. *See id.* (finding that the government was likely to succeed on the merits of this issue).

[3] The petitioner voluntarily dismissed the petition after the court issued the Report and Recommendation. *See id.*, Doc. 22.

whom identify who they spoke with, their job titles or the basis for their alleged representations. Even if their alleged statements were true, the processing time is irrelevant. The booking time is entered after the detainee has arrived at the facility. *See* Declaration of Jeffrey Knowles Dated November 5, 2025 (attached as Exhibit A), ¶ 5. Therefore, Petitioner had arrived at SDC by 10:18 pm on October 21, 2025. The "processing" of a detainee simply refers to the series of administrative steps that SDC takes after the detainee's arrival at the facility. *See id.*, ¶ 6.[4] Notably, an SDC detention officer actually conducted a health check of Petitioner at 10:18 pm, thus indicating that he was in SDC's custody and control at that time. *See id.*, Attachment. In short, Petitioner was clearly at SDC at the time the Petition was filed.

"Unknown Custodian Exception": Petitioner argues that the "unknown custodian exception" applies to give this Court jurisdiction over the Petition regardless of where Petitioner was at the time the Petition was filed. For support,

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[4] Significantly, the time that Petitioner was booked, not processed, was the operative point in time for the court in *Suri v. Trump*, the case that Petitioner relies on to make his jurisdictional argument. *See Suri v. Trump*, 785 F. Supp. 3d 128, 141 (E.D.Va. 2025) ("Further, because Petitioner was not booked into the facility in Louisiana until 6:42pm, it is not clear who Petitioner's immediate custodian was at the time his petition was filed, if he had an immediate custodian at all."). Likewise here, the booking time is the operative time for assessing custody and control.

he relies on the *Padilla* Court's citation to the *Demjanjuk* case and on the application of this exception in *Suri v. Trump*, 785 F. Supp. 3d 128, 141 (E.D. Va. 2025) (Doc. 17 at 4). Neither the exception nor these two cases apply here.

In *Dejmanjuk*, the petitioner was in the custody of the U.S. Marshal "in a confidential location." *See Demjanjuk*, 784 F.2d at 1115-16 (explaining that an exception was appropriate in those "very limited and special circumstances"). The *Padilla* Court, acknowledging this limited exception, explained that when "a prisoner is held in an undisclosed location by an unknown custodian, it is impossible to apply the immediate custodian and district of confinement rules." *See Padilla* at 450 n.18. In contrast here, both counsel and the Court know that Petitioner was at SDC at the time the Petition was filed.

In *Suri*, the court found that it was impossible to identify the immediate custodian because the petitioner had been in transit at the time the petition was filed.[5] The court repeatedly emphasized that, at the time of filing, the petitioner

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[5] Unlike the case here, *Suri* involved a complex set of facts. The petitioner in *Suri* was arrested by ICE in Rosslyn, Virginia on March 17, 2025. He was then taken to an ICE facility in Chantilly, Virginia. Later that night, he was driven to the Farmville Detention Center, arriving at 2:35 am the next day. Later that morning, he was transferred to another ICE facility in Richmond, Virginia, arriving at 7:50 am. That afternoon, he was taken to the Richmond airport and placed on a flight to Alexandria, Louisiana. He arrived in Alexandria at 5:03 pm. The petitioner's attorney filed a habeas petition shortly after, at 5:59 pm. The

had not yet been "booked" into the Louisiana facility. *See id.*[6] Moreover, according to the court, the respondents never identified who the petitioner's immediate custodian was while he was on a plane to Louisiana or while he was in Louisiana, before he was booked into the ASF. *See id* at 142. From this, the court concluded that the petitioner's immediate custodian "remains unknowable to all, including the Government." *See id.* Thus, the *Suri* court reasoned, the "impossible to know" exception from *Demjanjuk* applied. *See id.* at 142-43.

In contrast here, Petitioner was not in transit at the time of filing; he had already been booked into SDC. Therefore, it is not impossible for the Court to determine the Petitioner's immediate custodian at the time of filing.[7]

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petitioner did not get booked into the Alexandria Staging Facility until 6:42 pm. In other words, the petition was filed while the petitioner was in transit, before he was in physical custody at the Alexandria Staging Facility. *See Suri* at 134-35.

[6] *See also Suri* at 141 (reiterating that "it is now clear that at 5:59 p.m. on March 18 [the time the habeas petition was filed], Petitioner did not have an immediate custodian because he was not yet booked into any detention facility"); 142 ("Petitioner was not booked in the ASF until 6:42 p.m. on March 18—almost an hour after the petition was filed"); *id.* ("Thus the habeas petition was actually filed forty three minutes *before* Petitioner was booked into the ASF.").

[7] Petitioner also cites to *U.S. v. Moussaoui* and *Ozturk v. Trump* to support his argument that the unknown custodian exception applies here. However, in *Moussaoui*, unlike here, the petitioner's location was unknown to the court. *See U.S. v. Moussaoui*, 382 F.3d 453, 465 (4th Cir. 2004) ("Here, however, the immediate custodian is unknown."). And in *Ozturk*, the court held that the case should be transferred to Vermont, the location where the petitioner was located

Counsel's knowledge at the time of filing: Petitioner makes a corollary argument that when counsel cannot discover the petitioner's location at the time of filing, regardless of whether counsel later learns of the location, jurisdiction resides in the detainee's last known location (Doc. 17 at 4). He argues that without this exception, habeas petitioners would lack the ability to seek habeas relief (Doc. 17 at 4-5) and would require counsel to wait "an unknown amount of time until the online locator was updated" (Doc. 17 at 7).

To the contrary, courts have held that it is appropriate for the petitioner's counsel, in such circumstances, to file in the last known district, and that the habeas petition should not be dismissed if it turns out to have been filed in the wrong jurisdiction. *See, e.g., Y.G.H. v. Trump*, 787 F. Supp.3d 1097, 1104-05; *Ozturk v. Trump*, 136 F.4th 382, 394 (2d Cir. 2025).[8] Nonetheless, once the court learns where the petitioner was located at the time of filing, the case should be transferred to that district. *See, e.g., Y.G.H.* at 1105; *Ozturk* at 391.

Justice Kennedy's concurrence: Petitioner argues that the Court should adopt an exception to the immediate custodian rule that Justice Kennedy contemplated

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at the time of filing, which is consistent with Defendants' position in this case. *See Ozturk v. Trump*, 136 F.4th 382, 391 (2d Cir. 2025).

[8] The petition in *Y.G.H.* ultimately was dismissed at petitioner's request.

in his concurrence to *Padilla*, specifically if "there is an indication that the Government's purpose in removing a prisoner were to make it difficult for his lawyer to know where the habeas petition should be filed, or where the Government was not forthcoming with respect to the identity of the custodian and the place of detention," jurisdiction would lie with "the district court from whose territory the petitioner had been removed." *See Padilla*, 542 U.S. at 454 (Kennedy, J., concurring). There are several problems with this argument. First, the concurrence is non-binding and is contrary to the majority's admonishment against creating *ad hoc* exceptions to the immediate custodian rule. *Padilla* at 450. Second, the majority expressly rejected the idea that jurisdiction should be premised on punishing alleged government misconduct. *See Padilla* at 448 (calling the dissent's proposed exception an "extraordinary proposition").[9] Finally, even if the exception were applied here, there is no evidence that Defendants' purpose in moving Petitioner to SDC was to make it difficult for Petitioner's counsel to know where the petition should be filed. To the contrary, Petitioner was moved because there are no long-term immigration detention

[9] Although this strong language was directed at the dissent's rather than the concurrence's proposed exception, the latter was similar to the former in that it focused on hypothetical attempts by the government to conceal for improper purposes. *Compare Padilla* at 454 (concurrence) *with* 458-59 (dissent).

facilities in this district (Doc. 10-1, ¶ 5). Petitioner has no evidence for his accusation that Defendants concealed Petitioner's location to shop for a forum it perceived as more favorable or to make it more difficult for Petitioner's attorney to file a habeas petition (Doc. 17 at 7).[10]

Proper analysis: A better analysis of the jurisdictional issue—one that is consistent with the language in *Padilla*—can be found in another case with facts similar to those here: *Y.G.H. v. Trump*, 787 F. Supp. 3d 1097 (E.D. Cal. 2025). In *Y.G.H.*, the habeas petition was filed in California where the petitioner had been detained before his transfer to a facility in Texas. On April 14, 2025, the day that the petition was filed, ICE transferred Y.G.H. from California to Texas. Petitioner's counsel did not know the petitioner's location or destination on April 14 and, as a result, filed a habeas petition in the Eastern District of California. Although petitioner's counsel subsequently learned of his location, counsel

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[10] Petitioner argues that the First and Fourth Circuits have adopted this exception, citing to *Suri v. Trump*, *U.S. v. Moussaoui*, and *Vasquez v. Reno* (Doc. 17 at 5). However, each of these cases is distinguishable. In *Suri*, the court made a specific finding regarding the government purported motive. *See Suri v. Trump*, No. 25-1560, 2025 WL 1806692, at *3 (4th Cir. July 1, 2025) (explaining that the district court found that the government's reasons for transferring the petitioner to be lacking in credulity). In *Moussaoui*, the petitioner's immediate custodian was unknown. See 382 F.3d 453, 465 (4th Cir. 2004) ("Here, however, the immediate custodian is unknown."). And *Vasquez* pre-dated *Padilla*, having been decided in 2000. *See Vasquez v. Reno*, 233 F.3d 688 (1st Cir. 2000).

argued that the petition should remain pending that district. The court disagreed, holding that only the Northern District of Texas had jurisdiction to hear the petition. *See id.* at 1105 ("Absent an exception to the district of confinement rule, once Y.G.H.'s place of confinement at the time of filing became known, that is the district in which his Petition must be heard.").

The Second Circuit Court of Appeals reached a similar decision in a different procedural context in *Ozturk v. Hyde*, 136 F.4th 382 (2d Cir. 2025). In *Ozturk*, the petitioner's counsel was unaware of the petitioner's location at the time of filing and thus filed in Massachusetts, the petitioner's last known location. *See id.* at 391. Once the Massachusetts district court learned that Ozturk had been transferred to a facility in Vermont and was there at the time of filing, it found that it lacked habeas jurisdiction and transferred the case to Vermont. *See id. See also Khalil v. Joyce*, 771 F. Supp. 3d 268, 280 (S.D.N.Y. 2025) (transferring case filed in Southern District of New York to District of New Jersey where habeas petition filed on same day but after Petitioner's transfer to detention facility in District of New Jersey).

Accordingly, Respondents respectfully request the Court to transfer this case to the U.S. District Court for the Middle District of Georgia.

Respectfully submitted,

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November 5, 2025

/s/ NEELI BEN-DAVID
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