

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 25-CV-62270-RAR**

**NELY YOHANA TORRES-HUETE,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Defendant.**

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**UNITED STATES OF AMERICA'S RESPONSE TO ORDER TO SHOW CAUSE**

The United States of America, by and through the undersigned Assistant United States Attorney, hereby respectfully responds to the Court's Order to Show Cause (ECF No. 12), wherein the Court ordered Respondents to advise the Court of the Respondents' position regarding whether the Court may transfer Petitioner's petition to the Southern District of Texas, where Petitioner is now being housed. The government defers to the Court's discretion in this matter.

**Petitioner's Detention History**

This Petition was filed in the Southern District of Florida after Petitioner was taken into custody at the Broward Transitional Center, in Broward County, Florida. (ECF No. 1). Petitioner remained so detained until Enforcement and Removal Operations (ERO) transferred her to a detention facility in Laredo, Texas on November 27, 2025. (See Attached ERO Declaration and Detention History) ERO routinely makes operational calls regarding an alien's detention location to ensure the good order and security of the facility. For example, if ERO requires space for other

detainees, in the absence of a stay, a detainee may be transferred. The Petitioner's transfer in this case was not effectuated to secrete Petitioner from the jurisdiction of the Southern District of Florida. Nor did transfer occur with the intention that, or anticipating that, this Court would transfer jurisdiction to the Southern District of Texas.

### **Respondents' Position Regarding Possible Transfer**

The Court has jurisdiction to adjudicate the pending petition, because the Southern District of Florida was the Petitioner's immediate custodian at the time of the Petition's filing and the Petitioner named the proper respondent in her petition. *Rumsfeld v. Padilla*, 542 U.S. 426, 124 S.Ct. 2722 (2004). "Section 2241(a)'s language limiting district courts to granting habeas relief "within their respective jurisdictions" requires "that the court issuing the writ have jurisdiction over the custodian," *Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 93 S.Ct. 1123, 93 S.Ct. 1123. Because Congress added the "respective jurisdictions" clause to prevent judges anywhere from issuing the Great Writ on behalf of applicants far distantly removed, *Carbo v. United States*, 364 U.S. 611, 617, 81 S.Ct. 3385 L.Ed.2d 329, the traditional rule has always been that habeas relief is issuable only in the district of confinement, *id.*, at 618, 81 S.Ct. 338. This commonsense reading is supported by other portions of the habeas statute, *e.g.*, Section 2242, and by Federal Rule of Appellate Procedure 22(a)." *Padilla* at 2214.

Nevertheless, transfer of a 2241 petition upon the relocation of a petitioner is permissible. *See Perez v. Breckon*, No. 9:17-cv-00353-JKS, 2019 WL 652410, at \*2 (N.D.N.Y. Deb. 15, 2019) and *Lemus-Pineda v. Whittaker*, 354 F.Supp. 3d 473, 475-76 (S.D.N.Y. 2018) (where the Court transferred a habeas petition to the district where Petitioner was being housed instead of

dismissing).

Respondents respectfully advise the Court that there is an appropriate respondent in the Southern District of Texas. That respondent would be Orlando Perez, Warden of the Core Civic Laredo Processing Center. As such, the Court is at liberty to transfer this petition to the Southern District of Texas. The Respondents defer to the Court's discretion on this subject.

The government is mindful that the transfer of a 2241 petition every time a petitioner is relocated may cause perpetual delay in a petition's adjudication, as the Court acknowledged in *Tang v. Gonzales*, Case 4:06cv277/MP/WCS; 2006 WL 3628061, \*2 (N.D.Fl. Aug. 18, 2006). Still, in this case, the instant Petition can certainly be adjudicated by the Southern District of Texas, being that Petitioner is now detained in that District. The Petitioner's transfer to Texas was not to avoid the petition's adjudication by this Court. Similarly, there would be no benefit to the government if this petition were to be adjudicated by the District Court in the Southern District of Texas. For this reason, as previously stated, the government position is that the Court is at liberty to transfer this petition for adjudication in the Southern District of Texas.

Respectfully submitted,

JASON A. REDING QUIÑONES

By: UNITED STATES ATTORNEY  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 19, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being FedExed to Petitioner, Nely Yohana Torres-Huete on December 19, 2025.

/s/Michele S. Vigilance  
Michele S. Vigilance, AUSA