

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

CASE NO. 25-25349-CIV-SMITH

AINA BARRETO-SANTAMARIA,

Petitioner,

v.

GARRETT J. RIPA, Field Director,
U.S. Immigration and Customs
Enforcement, Miami Field Office,

Respondent.

**RESPONDENT'S NOTICE THAT THE PETITION WAS NOT FILED
IN THE DISTRICT OF CONFINEMENT AND MOTION TO TRANSFER VENUE**

Respondent, Garrett J. Ripa, Field Director, U.S. Immigration and Customs Enforcement (ICE), Miami Field Office, by and through the undersigned Assistant United States Attorney, gives notice that the Emergency Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 [DE 1] (Petition) was not filed in the district of confinement and should be transferred to the Middle District of Florida (or dismissed), and in support thereof, states the following:

1. On November 17, 2025, Petitioner, Aina Barreto-Santamaria, filed the Petition.
2. In the Petition, Petitioner alleges that she was in Orlando and was detained at the EDC Orlando Festival. Petition ¶1-4.
3. Petitioner alleges she “was delivered to the Orange County Jail.” *Id.* ¶5.
4. While Petitioner alleges she “was then transferred to ICE,” she does not allege that she was physically relocated. *Id.* ¶7.

5. Rather, Petitioner asserts that “[v]enue lies in this District because Petitioner is detained *or under the control of* ICE within the Southern District of Florida.” Petition p.2 (emphasis added).
6. As of November 17, 2025, the date the Petition was filed, Petitioner was confined at the Orange County Jail. Declaration of Supervisory Detention and Deportation Officer Marhsall Vliet (attached as Exhibit 1) ¶4.¹
7. The Orange County Jail is in Orange County, Florida.
8. Orange County, Florida is in the Middle District of Florida. 28 U.S.C. § 89(b).
9. For habeas petitions such as this one, “jurisdiction lies in only one district: the district of confinement.” *Trump v. J. G. G.*, 604 U.S. 670, 672 (2025) (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004)).
10. When a habeas petition is filed in a district other than the district of confinement, the district court lacks jurisdiction over the petition. *Fernandez v. United States*, 941 F.2d 1488, 1495 (11th Cir. 1991) (“Section 2241 petitions may be brought only in the district court for the district in which the inmate is incarcerated. Fernandez is confined at FMC–Rochester in Minnesota. Consequently, even if we were to construe Fernandez’s claim as a section 2241 motion, the district court for the Southern District of Florida would not have jurisdiction.”); *United States v. Brown*, 748 F. App’x 286, 287 (11th Cir. 2019) (“In addition, a petition filed pursuant to § 2241 must be brought in the district court for the district in which the inmate is incarcerated. Any other district court lacks jurisdiction over the § 2241 petition.” (internal citations omitted)).

¹ Petitioner was in custody in Orange County through the date the Declaration was signed, November 20, 2025. Vliet Dec. ¶5.

11. "The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a).

WHEREFORE, for the foregoing reasons, Respondent gives notice that the Emergency Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 was not filed in the district of confinement and should be transferred to the Middle District of Florida (or dismissed).

Respectfully submitted,

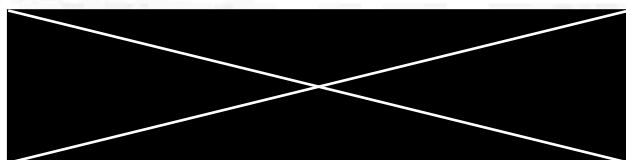
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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2025, a copy of this Notice was sent to the pro se Plaintiff via U.S. Mail at:²

Aina Barreto-Santamaria



Anthony Erickson-Pogorzelski
Assistant United States Attorney

² This is the address of record for the pro se Petitioner.