

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

**Case No.: 25-CV-25380-MORENO**

ALEXANDER HERRERA ACOSTA,

Petitioner,

v.

U.S. DEPARTEMENT OF HOMELAND  
SECURITY; KRISTI NOEM, Secretary, et al.,

Respondents.

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**RESPONDENTS' MOTION TO TRANSFER VENUE**

Respondents, Kristi Noem, Secretary, Department of Homeland Security; Pamela Bondi, U.S. Attorney General, Garret Ripa, Miami Field Office Director of Immigration and Customs Enforcement; and Charles Parra, Assistant Field Office Director (together, "Respondents"), by and through the undersigned Assistant United States Attorney, hereby file their Motion to transfer venue, and in support thereof, state as follows:

**INTRODUCTION**

Petitioner, Herrera Acosta filed his Complaint for Writ of Habeas Corpus Under Title 28 U.S.C. § 2241 and Title 5 U.S.C. § 701(1) (the Administrative Procedures Act), (the "Complaint") (ECF No. 1). In the Complaint, Petitioner asserts, *inter alia*, that he is unlawfully detained following entry of an order of removal while his application to adjust status is pending. *See generally* Complaint [ECF No. 1].

As the Court lacks subject matter jurisdiction to grant the relief requested, Respondents respectfully request that the Court transfer this matter to the District of Arizona.

## **FACTUAL AND PROCEDURAL BACKGROUND**

1. On October 27, 2025, Petitioner was detained by ICE at Krome Service Processing Center (“Krome”) in Miami, Florida. *See* Declaration of Deportation Officer Alana Caraballo and Detention History Report, attached hereto as Exhibit “A”.
2. On November 17, 2025, and all times since, Petitioner has been detained at the Florance Staging Facility in Florence, Arizona. *Dec.* at ¶ 2.
3. On November 18, 2025, Petitioner filed Complaint. [ECF No. 1].
4. Petitioner was in Arizona at the time of filing.

## **MEMORANDUM OF LAW**

### **I. ARGUMENT**

Section 2441 allows “the [U.S.] Supreme Court, any justice thereof, the district courts and any circuit judge” to grant writs of habeas corpus “within their respective jurisdictions.” 28 U.S.C. § 2441(a). The Supreme Court has interpreted the “within their respective jurisdiction language to mean that a Section 2441 petitioner challenging his present physical custody must file a petition for writ of habeas corpus in the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 446-47 (2004). “In challenges to present physical confinement...the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent.” *Padilla*, 542 U.S. at 435-40, 439.

Recently, in *Trump v. J.G.G.*, the Supreme Court reinforced that even for habeas petitions filed by immigration detainees, “jurisdiction lies in only one district: the district of confinement” *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (citing *Padilla*, 542 U.S. at 426, 443). In *J.G.G.*, the Supreme Court found that detainees in Texas improperly filed a putative class action

challenging their detention in the District of Columbia. (“The detainees are confined in Texas, so venue is improper in the District of Columbia.”).

Importantly, this Court, citing *Padilla*, has previously dismissed habeas petitions for lack of jurisdiction filed by immigration detainees located outside the Southern District of Florida. *See Zhang v. United States*, 21-CV-81382-ALTMAN, 2021 U.S. Dist. LEXIS 162725, at \*2-3 (S.D. Fla. Aug. 25, 2021) (dismissing habeas petition for lack of jurisdiction where detainee was detained in Glades County Jail, in Glades County, Florida, because jurisdiction lies in the district of confinement); *Dolme v. Barr*, 20-CV-24106-Altman, 2020 U.S. Dist. LEXIS 197596, at \*2-3 (S.D. Fla. Oct. 21, 2020) (dismissing habeas petition for lack of jurisdiction where detainee was detained in Wakulla County Jail, in Wakulla County, in the Northern District of Florida, because jurisdiction lies in the district of confinement).

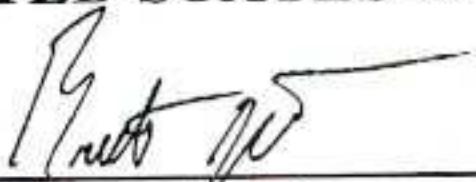
Accordingly, Respondents respectfully request that this habeas petition be transferred to the District of Arizona where Petitioner is currently detained.

Good Faith Certificate Pursuant to Local Rule 7.1(a)(3)

The undersigned conferred by phone with Petitioner’s Counsel, who opposes the relief sought in this motion.

Respectfully submitted,

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