

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 25-25450-SINGHAL**

RICARDO JULIO PAEZ,

Petitioner,

v.

KRISTI NOEM, et al.,

Respondents.

MOTION TO TRANSFER

Respondents, Kristi Noem, Secretary of Homeland Security, et al., respectfully file this Motion to Transfer Petitioner, Ricardo Julio Paez’s Petition for a Writ of Habeas Corpus to the Southern District of Texas. Petitioner has detained in Texas since November 2, 2025.

INTRODUCTION

Petitioner, through next friend Fernando Javier Mesquida, filed his Petition for Writ of Habeas Corpus on November 21, 2025. *See* ECF No. 1 at 4. At the time, Petitioner was detained within the Southern District of Florida at Krome Detention Center. The Petition argues (1) that Petitioner’s continued detention is unlawful under *Zadvydas v. Davis*, (2) that his detention is arbitrary and punitive, (3) that he is not a flight risk or a danger, and (4) that his detention serves no statutory purpose. *Id.* at 5. Petitioner seeks immediate release subject to supervision or a prompt bond hearing. *Id.* at 6.

On November 23, 2025, Petitioner was transferred to the ERO El Paso Camp East Montana detention facility in El Paso, Texas, where he is currently detained. *See* Exhibit A – Detention History; *see also* Petitioner’s Emergency Notice to Chambers (ECF No. 8, filed Jan. 21, 2026)

("[Petitioner] is currently detained at the East Montana Detention Facility in El Paso, Texas"). The Because Petitioner is not detained in the Southern District of Florida, the Court does not have jurisdiction to grant the relief he seeks. Respondents therefore respectfully move to transfer this action to the Southern District of Texas, where Petitioner is detained.

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 Southern District of Texas, where Petitioner is currently detained.

On this date, the undersigned contacted the office of Petitioner's next friend, Fernando Javier Mesquida, by telephone about the relief requested herein and the grounds therefor. Mr. Mesquida indicated that he defers to the Court's judgment as to whether transfer is appropriate.

Respectfully submitted.

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