

United States District Court  
Eastern District of Michigan

Jaime Hernandez Sarmiento,

Petitioner,

Civil No. 25-13486

v.

Honorable Robert J. White  
Mag. Judge Elizabeth A. Stafford

Kevin Raycraft, Acting Field Office  
Director of Enforcement and Removal  
Operations, Detroit Field Office,  
Immigration and Customs  
Enforcement; Kristi Noem, Secretary,  
U.S. Department of Homeland  
Security; U.S. Department of  
Homeland Security; Pam Bondi, U.S.  
Attorney General, and Executive Office  
of Immigration Review,

Respondents.

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**Response to the Court's Order to Show Cause**

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In an order to show cause, the Court requested that respondents address whether the proper defendant in this habeas case is the ICE Field Office Director or the warden of the facility where petitioner is detained. (Order, ECF No. 5). In 2003, the Sixth Circuit held that the ICE Field Office Director is the proper defendant in most habeas cases involving immigration detainees, but the Attorney General may be a proper defendant in exceptional circumstances. *See Roman v. Ashcroft*, 340 F.3d

314, 320 (6th Cir. 2003). The following year, the Supreme Court ruled that the proper defendant in a habeas case by a U.S. citizen challenging his detention was the detainee's immediate physical custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). After *Padilla*, respondents and their successors in office argued in other cases that the holding in *Padilla* extended to immigration cases and, based on the reasoning in *Padilla*, challenged habeas jurisdiction in immigration habeas cases if the petitioner was not physically detained in this district. *See, e.g., Khodr v. Adduci*, 697 F. Supp. 2d 774, 776 (E.D. Mich. 2010) (applying *Roman* instead of *Padilla*); *Naresh v. Klinger*, No. 2:19-CV-12800, 2019 WL 5455469, at \*2 n.2 (E.D. Mich. Oct. 24, 2019), aff'd sub nom. 2020 WL 2904685 (6th Cir. June 1, 2020) (same). However, this Court rejected those arguments in several cases. *See, e.g., Khodr*, 697 F. Supp.2d at 776; *Naresh*, 2019 WL 5455469, at \*2 n.2. Accordingly, respondents recognize that the reasoning in *Padilla* indicates that the proper respondent in an immigration habeas case challenging the petitioner's detention is the detainee's immediate physical custodian, but acknowledge that *Roman* was not explicitly overruled by *Padilla*, *see Padilla*, 542 U.S. at 435 n.8, and, even after *Padilla*, this Court has continued to apply *Roman* in some immigration habeas cases.

Respectfully submitted,

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Dated: November 19, 2025

## **Certificate of Service**

I hereby certify that on November 19, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/s/ Zak Toomey

**Zak Toomey**

Assistant U.S. Attorney