

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Jefferson CHAVARRIA RIVERAS,
Petitioner,

vs.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*,
Respondents.

Case No.: 25-cv-25606-PCH

**Petitioner's Traverse (Reply) to Respondents' Return (Response) on the
Merits**

On January 5, 2026, Respondent's filed their Return in Opposition to the Petition for Writ of Habeas Corpus. *See* [ECF No. 10]. Aside from attacking the merits of the Petition, Respondents argued the Petition should be dismissed for lack of jurisdiction, or transferred to the Middle District of Florida, in the alternative. *Id.* Prior to Respondents' Return, Respondents also filed a motion to seek to dismissal, or transfer venue to Middle District of Florida. *See* [ECF No. 9]. Because Respondents' arguments for dismissal for lack of jurisdiction are similar, if not identical, in their Motion and Return pleadings, Petitioner will address his position on the matter here.

But first, as it pertains to the merits of the Petition, Petitioner agrees with Respondents', in that, "this case comes down to a question of statutory interpretation," Return at 2 [ECF No. 10], and both positions are well-presented in the Petition and Return. Petitioner's position is the correct interpretation, and several courts agree the interpretation Petitioner relies on as the correct one. *See*

Petition at 12–13 [ECF No. 1]; *see also Manzo Segura v. Noem*, et al., No. 5:25-cv-01531-XR W.D. Tex. Dec. 22, 2025).

Second, and equally important, this Court does not lack jurisdiction. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434 n.7 (2004) (“The word ‘jurisdiction’ ... is capable of different interpretations. We use it in the sense that it is used in the habeas statute, 28 U.S.C. § 2241(a), and not in the sense of subject-matter jurisdiction of the District Court.”); *see id.* at 451 (KENNEDY, J., concurring) (regarding the rules of where to file a habeas petition: “These rules, however, are not jurisdictional in the sense of a limitation on subject-matter jurisdiction.”); *see also id.* at 463 (STEVENS, J., dissenting) (“It bears emphasis that the question of proper forum to determine the legality of Padilla’s incarceration is not one of federal subject-matter jurisdiction.”). “Rather, the question is one of venue, i.e., in which federal court the habeas as inquiry may proceed.” *Id.* at 463 (STEVENS, J., dissenting). Which federal court should hear the matter “center[s] on the most convenient and efficient forum for resolution of a case, ... and on the placement most likely to minimize forum shopping by either party” *Id.*

The habeas statute establishes a territorial limit on the proper forum for habeas petitions. *See* 28 U.S.C. § 2241(a) (“Writs of habeas corpus may be granted by ... the district courts and any circuit judge within their respective jurisdictions.”). But this does not mean that a habeas petition can only be filed in the district court where the petitioner is held, since long-arm jurisdiction is permitted. *See, e.g., Mojica v. Reno*, 970 F. Supp. 130, 166 (E.D.N.Y. 1997); *Yesil v. Reno*, 958 F. Supp. 828, 835–36 (S.D.N.Y. 1997). The Supreme Court in *Rumsfeld v. Padilla* explicitly declined to

resolve this issue for immigration cases. *See Rumsfeld v. Padilla*, 542 U.S. at 435 n.8 (“[T]he issue is not before us today [and] we again decline to resolve it.”).

Regardless, the general rule is that a habeas petition must be filed in the venue where the “immediate custodian” is located. Here, the immediate custodian is unclear based on Respondents’ representation—whether its Krome in Miami, or Broward Transitional Center in Broward—nonetheless, the immediate custodian is within this Court’s jurisdiction. The “Official Website of the Department of Homeland Security,” Pet’r’s. App. at 1 [ECF No. 1-2], claims “Krome” in “Miami, FL” is the responsible custodian. But recently, Respondents filed Exhibit D with their Return [ECF No. 10-4], an affidavit from an ICE Officer located in Broward Transitional Center, in Broward County, FL, claiming responsibility for Petitioner’s case, as well as, “the case management of aliens who are detained at the Glades County Detention Center (‘Glades’) in Moore Haven, Florida.” ECF No. 10-4. Both Miami and Broward are within the Southern District of Florida’s jurisdiction. Whether this Honorable Court decides to transfer the case to its sister location at the Fort Lauderdale Division, is understandable, but the delay should be charged to Respondents for their lack of clarity on these cases. But one thing is clear, this case has nothing to do with the Middle District of Florida.

“The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is the person who has custody over the petitioner.” *Id.* at 434. “The proper respondent for purposes of a habeas corpus petition is the ‘immediate custodian,’ the person with ‘the ability to produce the prisoner’s body before the habeas court.” *Masingene v. Martin*, 424 F.Supp.3d 1298, 1300–1301 (S.D.

Fl. 2020) (citing to *Rumsfeld v. Padilla*, 542 U.S. at 434). In cases where the immigrant detainee is housed in a contract facility—here, Petitioner is housed at a facility operated by the Glades County Sheriff's Office—the proper respondent is “the federal official most directly responsible for overseeing the contract facility.” *Masingene v. Martin*, 424 F.Supp.3d at 1301. “Federal immigration detainees are detained pursuant to the power and authority of the federal government and not the warden of the non-federal facility where they are detained.” *Masingene v. Martin*, 424 F.Supp.3d at 1302. Transferring venue does not serve any purpose as “the local warden cannot release ICE detainees without ICE’s express authorization.” *Id.* Therefore, in this case, the “immediate custodian” is the official located either at Krome in Miami, Florida, or Broward Transitional Center in Broward, Florida, either way, both are controlled by the Miami Field Office Director, and within the Southern District of Florida’s jurisdiction.

This approach to the “immediate custodian” rule respects the “venue principles,” which focus is on “the most convenient and efficient forum for resolution of a case” and “on the placement most likely to minimize forum shopping by either party.” *Rumsfeld v. Padilla*, 542 U.S. at 463 (STEVENS, J., dissenting).

Even assuming, in arguendo, the best approach would be to transfer venue where Petitioner is physically located, an exception applies to this rule when there is difficulty in knowing where the habeas petition should be filed. In *Rumsfeld v. Padilla* two members of the majority noted that an exception might be warranted “if there is an indication that the Government’s purpose in removal a prisoner were to make it difficult for his lawyer to know where the habeas petition should be filed, or where

the Government was not forthcoming with respect to the identity of the custodian and the place of detention.” *Rumsfeld v. Padilla*, 542 U.S. at 454 (KENNEDY, J., joined by O’CONNOR, J., concurring). “In cases of sort, habeas jurisdiction would be in the district court from whose territory the petitioner had been removed,” *id.*, in this case, Petitioner is currently in removal proceedings in Broward County, Florida.

This exception is important because the habeas writ is “an indispensable mechanism for monitoring the separation of powers” and the writ “must not be subject to manipulation by those whose power it is designed to restrain.” *Boumediene v. Bush*, 553 U.S. 723, 765–66 (2008).

Prior to filing this petition with this Court, undersigned diligently attempted to ascertain where Petitioner was being held by ICE. The only information available was via ICE’s online detainee locator system, which at the time of filing this petition, stated that Petitioner’s custodian was at “KROME, MIAMI, FL, DOCKET CONTROL OFFICE.” Pet’r’s App. 1 [ECF No. 1-2]. Although undersigned called ICE at the phone number provided, no one answered the phone there. Thus, the reason why the petition was filed with this Honorable Court.

For these reasons Respondents’ motion should be denied as this Court retains jurisdiction of the Petition, and thus, the Petition should be granted.

Dated: January 12, 2026

Respectfully submitted,

s/Mario R. Urizar
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Certificate of Service

I HEREBY CERTIFY that on January 12, 2026, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that all participants in the case are registered CM/ECF users and that service will therefore be accomplished through the CM/ECF system.

Dated: January 12, 2026

Respectfully submitted,

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