

UNITED STATES DISTRICT COURT
FOR SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MARIO ALDANA SOSA,

Petitioner,

v.

KRISTI NOEM, in her official capacity
Secretary, U.S. Department of Homeland
Security, *et al.*

Respondents.

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Civil Action No.: 1:25-cv-282

AGREED MOTION TO TRANSFER

Pursuant to 28 U.S.C. § 1404(a), the United States hereby moves to transfer venue to the Southern District of California since Petitioner was transferred to Calexico, California, on November 21, 2025, and is currently being detained at the Imperial Regional Adult Detention Facility in Calexico, California.

I. STATEMENT OF FACTS

Petitioner is a citizen of Guatemala who has been in immigration custody since November 7, 2025, at the Port Isabel Detention Center in Los Fresnos, Texas. *D.E. 1, p. 11*. On November 19, 2025, Petitioner filed a Petition for Writ of Habeas Corpus. *D.E. 1*. On November 21, 2025, Petitioner was transferred to Calexico, California. *D.E. 6*.

II. LEGAL FRAMEWORK

For “over 100 years,” the Supreme Court has held that the proper respondent for a habeas petition challenging present physical confinement is the person who has “immediate custody” of the petitioner. *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004) (citing *Wales v. Whitney*, 114 U.S. 564, 574 (1885)). The Supreme Court explained that “[t]he consistent use [in the habeas statute] of the definite article in

reference to the custodian indicates that there is generally only one proper respondent to a given prisoner's habeas petition." *Id.* at 434 (quoting 28 U.S.C. §§ 2242-43). The proper respondent is "[the] person who has the *immediate custody* of the party detained, with the power to produce the body of such party before the court or judge[.]" *Id.* at 435 (emphasis in original) (citing *Wales*, 114 U.S. at 574; *Braden v. 30th Judicial Cir. Ct. of Kentucky*, 410 U.S. 484, 494–95 (1973)). Consequently, "the default rule is that the proper respondent is the *warden of the facility where the prisoner is being held*, not the Attorney General or some other remote supervisory official." *Id.* (emphasis added).

III. ARGUMENT

Petitioner brings this action under 8 U.S.C. § 2241, which allows a district court to grant a writ of habeas corpus within its respective jurisdiction. 8 U.S.C. § 2241(a). The Supreme Court has interpreted this jurisdictional limitation to mean that, when a person files a habeas petition pursuant to 28 U.S.C. § 2241 'challenging present physical confinement, jurisdiction lies in only one district: the district of confinement. *Padilla*, 542 U.S. at 443.

Under § 1391, in a suit against the federal government or its officers, venue is proper:

in any judicial district in which (1) a defendant in the action resides, (2) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) the plaintiff resides if no real property is involved in the action.

28 U.S.C. § 1391(e). Applying § 1391 to the instant case, venue would be proper in either in the Southern District of California, where Petitioner is currently detained, or in the Southern District of Texas, where he was detained at the time he filed his petition.

Pursuant to 28 U.S.C. § 1404(a), the claims could be transferred to the Southern District of California:

For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.

28 U.S.C. § 1404(a). The purpose of the statute is to avoid wasted time, energy, and money while at the same time protecting litigants, witnesses, and the public against unnecessary inconvenience and expense. *See Van Dusen v. Barrack*, 376 U.S. 612, 84 S.Ct. 805, 809, 11 L.Ed.2d 945 (1964); *see also Republic Capital Dev. Grp., L.L.C. v. A.G. Dev. Grp., Inc.*, No. H-05-1714, 2005 WL 3465728, at *8 (S.D. Tex. Dec. 19, 2005). Respondents have not yet responded to the petition in this case and Petitioner has no connection to this venue other than he was transferred into the district after he was arrested and was detained here at the time his petition was filed. Accordingly, in the interest of justice and for the convenience of the parties, the Court should transfer venue to the Southern District of California.

IV. CONCLUSION

WHEREFORE, for the reasons set forth above, the United States prays that the motion to transfer be GRANTED.

Respectfully submitted,

Nicholas J. Ganjei
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Instrument was sent via ECF on December 2, 2025, to all counsel of record.

/s/Elizabeth F. Karpati _____
ELIZABETH F. KARPATI
Assistant United States Attorney

CERTIFICATE OF CONFERENCE

On December 2, 2025, I spoke to opposing counsel who indicated that she is unopposed to this motion.

/s/Elizabeth F. Karpati _____
ELIZABETH F. KARPATI
Assistant United States Attorney