

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

ZAURI KARDAVA
Plaintiff,

V.

MIGUEL VERGARA, IN HIS OFFICIAL
CAPACITY, FIELD OFFICE
DIRECTOR, IMMIGRATION, AND
CUSTOMS ENFORCEMENT, ET AL.
Defendant.

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CIVIL ACTION NO. 1:25-CV-00309

**DEFENDANT FRANCISCO VENEGAS’ NOTICE TO COURT AND MOTION TO
DISMISS FRANCISCO VENEGAS**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Francisco Venegas files this Notice to Court and Motion to Dismiss Francisco Venegas, and respectfully shows the following:

I.

Please take notice that Defendant Venegas is an employee of Management & Training Corporation, a private contract operator of the El Valle Detention Facility (the “Facility”). Venegas, as an employee of MTC, a private contract operator of the Facility, it not the party with the ability to make custody decisions. Venegas believes DHS/ICE is the custodial agency with authority to make custodial decisions, and as such, the originally named federal respondents are the parties with the information necessary to respond.

Consistent with Venegas’ position, DOJ counsel have previously represented the following to respective Courts in writ of habeas corpus cases when responding to those Petitions: “As the Court previously noted, the proper respondent in a habeas petition is the person with custody over the petitioner. 28 U.S.C. § 2242; see also § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 435, 124

S.Ct. 2711, 159 L.Ed.2d 513 (2004). Since the filing of this Petition, Petitioner [in the respective case the statement was filed in] has remained in the U.S. Immigration and Customs Enforcement (“ICE”) federal facility in Raymondville, Willacy County, Texas.... The warden of that facility is Francisco Venegas. That said, it is the originally named federal respondents, not the named warden in this case, who make the custodial decisions regarding aliens detained in immigration custody under Title 8 of the United States Code.”. *See, e.g., Jorge Rivera Sanchez v. Francisco Venegas, et al.*, 1:25-cv-00186, Doc. 8; *see also, Gustavo G. Diaz Guerrero v. Alexander Sanchez, et al.*, 4:25-cv-05441, Doc. 9 (stating, “The proper respondent in a habeas petition is the person with custody over the petitioner. 28 U.S.C. § 2242; see also § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). That said, it is the originally named federal respondents, not the named warden in this case, who make the custodial decisions regarding aliens detained in immigration custody under Title 8 of the United States Code.”).

As such, for all the foregoing reasons, Defendant Venegas requests the Court dismiss Defendant Venegas and permit the originally named federal respondents to file any response they deem necessary.

II.

WHEREFORE, Defendant Francisco Venegas respectfully requests that the Court dismiss Defendant Francisco Venegas and permit the originally named federal respondents to file any response they deem necessary, along with any other relief to which Defendant may be entitled.

Respectfully submitted,

**WILSON ELSER MOSKOWITZ EDELMAN &
DICKER LLP**

/s/ Allison R. Edwards

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**ATTORNEY FOR DEFENDANT
FRANCISCO VENEGAS**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all known counsel of record in accordance with the Texas Rules of Civil Procedure on January 12, 2026.

/s/ Allison R. Edwards
Allison R. Edwards