

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

KAREN JOHANA
MALDONADO-CACERES
(A )

Case No.: 3:25-cv-1466-WWB-PDB

Petitioner,

v.

SCOTTY RHODEN, as Sheriff of Baker
County and custodian of Baker County
Detention Center; KRISTI NOEM, as
United States Secretary of Homeland
Security; TODD M. LYONS, as Senior
Official Performing the Duties of Director
of U.S. Immigration and Customs
Enforcement; GARRETT J. RIPA, as Field
Office Director, U.S. Immigration and
Customs Enforcement; and PAMELA
BONDI, as United States Attorney
General,

Respondents.

**RESPONSE TO PETITIONER'S EMERGENCY MOTION FOR TEMPORARY
NON-TRANSFER ORDER PURSUANT TO 28 U.S.C. § 1651(a) (ALL WRITS ACT)**

Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security ("DHS"), in his official capacity as Acting Director of the United States Immigration and Customs Enforcement ("ICE"), Garrett J. Ripa, in his official capacity as Field Office Director for ICE, and Pamela Bondi, in her official capacity as United States Attorney General, and Scotty Rhoden,¹ as Sheriff of Baker County and Custodian of Baker County Detention Center (collectively, Respondents), hereby respond

¹ The United States Attorney's Office may appear on behalf of the Sheriff (in his official capacity) under the terms of a 2009 Inter-Governmental Service Agreement between ICE and Baker County (as service provider for detention and care of alien detainees).

to Plaintiff Karen Johana Maldonado-Caceres' Emergency Motion for Temporary Non-Transfer Order Pursuant to 28 U.S.C. 1651(a) (All Writs Act). See Doc. 2. In support, Respondents provide as follows:

BACKGROUND

Maldonado is a noncitizen who entered the United States without inspection, admission, or parole. See **Exhibit A** (Notice to Appear (“NTA”) dated October 27, 2025). According to Maldonado, she is a native and citizen of Honduras who, on or about December 1, 2013, while accompanied by her son, “entered the United States in or near Brownsville, Texas, whereupon she was arrested and placed in removal proceedings.” Doc. 12 at ¶¶ 32 & 34. On August 1, 2025, following Maldonado’s cooperation with law enforcement on a domestic violence case, the United States Citizenship and Immigration Services (“USCIS”) issued her and her son a bona fide determination. *Id.* at ¶¶ 43-45. On September 29, 2025, Maldonado was arrested and charged with a misdemeanor battery. *Id.* at ¶ 55. On October 3, 2025, ICE took her into custody and, thereafter, issued her an NTA for removal proceedings on October 27, 2025. *Id.* at ¶ 59 & 63. Until November 26, 2025, Maldonado was detained at the Baker County Detention Center in Macclenney, Florida, see *id.* at 5, prior to transfers that ultimately brought her to Arizona.

On November 29, 2025, Maldonado’s counsel filed the instant Emergency Motion for Temporary Non-Transfer Order. Doc. 2. Specifically, Petitioner seeks to “preserve this Court’s habeas jurisdiction and prevent ICE from further transferring Petitioner to unknown locations while this action is pending,” suggesting that the ICE transfers subject to this case “threaten to undermine habeas review.” *Id.*

On December 1, 2025, this Court entered an order directing the Respondents to respond to the emergency motion, and that the response must: (1) provide the petitioner's location at the time the original petition was filed on November 29, 2025; (2) provide the petitioner's current location; and (3) address whether the "unknown custodian" exception permits the court to exercise jurisdiction over the petition. See Doc. 13 (citing to *Suri v. Trump*, No. 25-1560, 2025 WL 1806692, at *4-6 (4th Cir. July 1, 2025)).

Upon information and belief, and in response to the Court's order, see Doc. 13, on November 29, 2025—the date of her counsel's original Emergency Motion for Temporary Non-Transfer (Doc. 1)—Maldonado had arrived at the **Eloy Detention Center**, a federal contract immigration detention facility operated by CoreCivic in Eloy, Arizona. **Exhibit B** (Notice to EOIR: Alien Address). As of today's Response, Maldonado remains at the Eloy Detention Center, 1705 E. Hanna Road, Eloy, AZ 85131, and DHS has moved to change venue in her removal proceedings to Arizona. It is undisputed that Maldonado is not in expedited removal proceedings, and she has not been issued a removal order.

MEMORANDUM OF LAW

I. LEGAL STANDARD

The general venue statute provides that Court that:

A civil action may be brought in—(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which 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) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b).

Pursuant to 28 U.S.C. § 1406(a), “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” District courts have the authority to transfer cases *sua sponte*. See *Kapordelis v. Danzig*, 387 F. App’x 905, 907 (11th Cir. 2010) (affirming district court’s *sua sponte* transfer of case pursuant to 28 U.S.C. § 1406(a)).

In the context of habeas petitions, under 28 U.S.C. § 2241, “[d]istrict courts are limited to granting habeas relief ‘within their respective jurisdictions.’” *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004) (quoting 28 U.S.C. § 2241(a)). Accordingly, “for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Id.* at 443; see also *Garcia v. Warden*, 470 F. App’x 735, 736 (11th Cir. 2012) (“jurisdiction for § 2241 petitions lies only in the district of confinement”). In the event—as it has occurred here—that the petitioner files his or her case in the wrong district, the court can *sua sponte* transfer the case “to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a); see also *Lipofsky v. N.Y. State Workers Comp. Bd.*, 861 F.2d 1257, 1258 (11th Cir. 1988) (“[A] district court may raise on its own motion an issue of defective venue or lack of personal jurisdiction[.]”). Accordingly, the only appropriate respondent to a habeas case is the official with physical custody of petitioner. 28 U.S.C. § 2243 (“The writ, or order to show cause shall be directed to the person having custody of the person detained.”); *Padilla*, 542 U.S. at 434-36 (“[T]he 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.”).

Once jurisdiction is properly acquired, a petitioner's removal to another judicial district does not destroy a court's jurisdiction. *Ex parte Endo*, 323 U.S. 283, 306 (1944); *Major v. Warden, FCC Coleman - Low*, No. 5:18-CV-269-OC-02PRL, 2019 WL 4194673, at *1 (M.D. Fla. Sept. 4, 2019). Indeed, "[j]urisdiction attaches upon the initial filing of the § 2241 petition and will not be destroyed by a petitioner's subsequent Government-effectuated transfer and accompanying change in physical custodian." *Major*, 2019 WL 4194673 at *1.

II. ARGUMENT

Having already addressed, *supra*, the first two inquiries of the Court's order, *see* Doc. 13, the lone remaining issue to address is: in consideration of *Suri v. Trump*—which explains the exception, but is *not* binding on this court—whether the “unknown custodian” exception permits the court to exercise jurisdiction over the petition. Here, it does not.

A. *Suri* Has a Distinguishable Timeline

In *Suri*, the Fourth Circuit's application of the “unknown custodian” exception is tied to what the court found to be government manipulation of custody during and around the exercise of jurisdiction—especially after the court has begun to act—not to ordinary pre-filing transfers as here in Maldonado (e.g., after the district court in *Suri* had “ordered the government not to remove Suri from the United States,” ICE continued to drive Suri to the Prairieland Detention Center in Texas. *See Suri v. Trump*, 2025 WL 1806692, at *2). The facts in *Suri* were such that the Fourth Circuit found it had become apparent that “Respondents' goal in moving Petitioner was to make it difficult for Petitioner's counsel to file the petition and to transfer him to the Government's chosen forum.” *Id.* at *3. In

Suri, the Fourth Circuit appeared to emphasize a pattern in which the government moved *Suri* repeatedly—without clear notice and without disclosing his custodians—such that absent the Eastern District of Virginia’s intervention, *Suri* would likely have been removed before meaningful judicial review, creating precisely the kind of jurisdictional-gap that the “unknown custodian” exception is designed to prevent. *Id. at 6.* Not so here.

Here, because all of Maldonado’s detention transfers occurred prior to the filing of her habeas petition, or any court order, the allegations of executive evasion of an active court are absent in her case. Indeed, it has been nine days since Maldonado arrived at the Eloy facility on November 29, 2025, and she has not since been moved. Further so, Maldonado is not in expedited removal proceedings, and she has not been issued a removal order. The proper forum for her case—the District of Arizona—could ultimately and reasonably have been identified, as it was later identified here to counsel after the filing of the emergency habeas petition but before the filing of this response. There is no evidence to suggest here that Maldonado’s attorney was misled to think she was in one place when she was, in fact, being hastily and secretly transferred to another to avoid habeas. In absence of any facts to suggest that the government’s goal here rose to the level of *Suri*, the jurisdictional concerns that justified the application of the exception in *Suri* do not exist here. Thus, the application of the exception is inappropriate here.

B. MDFL Jurisdiction Had Not Attached

While counsel’s intent was to “preserve this Court’s habeas jurisdiction,” given the fact that Maldonado was not in the Middle District of Florida (“MDFL”) on the date of the filing of the habeas petition—and no sufficient facts exist to trigger *Suri* application—there

was no attachment of MDFL jurisdiction to preserve. 28 U.S.C. § 1651(a) (All Writs Act). Any MDFL jurisdiction had ceased to exist on November 29, 2025, when Maldonado was moved to the Eloy Detention Center prior to the filing of the petition. Moreover, even if Maldonado were to be transferred to another location while this action remains pending, her jurisdiction in the District of Arizona would be preserved by virtue that the immediate custodian was and is Arizona and, thereby, the correct court would have been and is the United States District Court for the District of Arizona. Here, counsel is not expected “to file in every jurisdiction” but, rather, simply the appropriate one: Arizona. In accordance with the literal terms of the statute requiring a filing in the district of confinement, this Court may *sua sponte* transfer the case to the Arizona district under 28 U.S.C. § 1406(a).

C. Invoking *Suri* Application Here Would Be Overstretch of the Doctrine

On the Maldonado facts, invoking the *Suri* application of the “unknown custodian” exception may well be an overstretch of the doctrine. Here, in the absence of firm factual showing of intentional wrongdoing, the facts suggest: 1) transfer to unknown destinations without advanced notice to Maldonado and/or counsel, but not in bad faith, 2) imperfect ICE detainee-locator system that mistakenly reflected a status that Maldonado was “not in custody” at the time, with no facts indicative of any malfeasance, and 3) that Maldonado was in the midst of transition to Eloy, unbeknownst to counsel at the time of the filing of this Petition—albeit, the same subsequently became known to counsel thereafter the filing of the habeas petition but prior to the filing of this Response. Here, Arizona was and is the immediate custodian and appropriate district of confinement, simply resulting from the government’s routine post-transfer posture, and not any allegedly active, post-

order gamesmanship and/or secrecy. Therefore, application of the exception here, as articulated in *Suri* and Justice Kennedy's *Padilla* concurrence, would be overstretch.

D. Transfer to MDFL Would Not Be Appropriate, as *Suri* is Not Triggered

Further, 28 U.S.C. § 1404(a) does not permit transfer from the District of Arizona to the Middle District of Florida for the parties' convenience. Section 1404(a) provides, "For the convenience of 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." (Emphasis added.) As stated by the U.S. Supreme Court, "In the normal meaning of words this language of Section 1404(a) directs the attention of the judge who is considering a transfer to the situation which existed when suit was instituted." *Hoffman v. Blaski*, 363 U.S. 335, 343 (1960) (*quoting Blaski v. Hoffman*, 260 F.2d 317, 322 (7th Cir. 1958)). Because the U.S. District Court for the Middle District of Florida lacked jurisdiction over this case at the time of its filing, the case may not be transferred to that district pursuant to 28 U.S.C. § 1404(a). See also *Davis v. Warden*, No. 5:13-CV-35, 2015 WL 12979144, at *1 n.1 (M.D. Fla. June 10, 2015) (holding, in a 28 U.S.C. § 2241 action, that transfer to the Northern District of Georgia was inappropriate even after a prisoner was transferred to Atlanta "because the Court may only transfer the action to another District in which it could have been brought.") (internal quotation marks omitted). Here, because *Suri* is not sufficiently triggered, this instant action could only have been brought in Arizona on the date of the filing of the habeas petition. Accordingly, transfer of Maldonado's case to the MDFL, where jurisdiction had not attached, would also be inappropriate.

WHEREFORE, for the aforementioned reasons, Respondents respectfully request this Court to deny Petitioner's Emergency Motion.

Dated: December 8, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 8, 2025, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system. I further certify that, upon filing, I will place, as expeditiously as possible, a copy of the foregoing document in email to the following non-CM/ECF participant listed below:

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