

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 1:25-cv-25801-DSL

LUIS ALFREDO MARTINEZ-CRUZ,
(Luis Alfredo Martinez Guardado),
A# [REDACTED]
Petitioner,

v.

PAM BONDI, in her official capacity as
Attorney General of the United States, et.al.
Respondents.

RESPONSE IN OPPOSITION TO RESPONDENT'S MOTION TO TRANSFER VENUE

Petitioner, LUIS ALFREDO MARTINEZ-CRUZ¹ ("Mr. Martinez" and/or "Petitioner"), by and through undersigned counsel, hereby submits the instant Response in Opposition to Respondents' Motion to Transfer Venue (D.E. 3). In support thereof, Petitioner states as follows:

1. Proper venue lies within this Honorable Court's jurisdiction. Pursuant to 28 U.S.C. § 1391(e)(1), an action in which a defendant is an officer or employee of the United States or any agency thereof, may be brought in any judicial district in which (A) a defendant in the action resides, (B) 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 (C) the plaintiff resides if no real property is involved in the action. Here, venue is proper before this Honorable District Court as it is where the Respondents reside and a substantial part of the events took place.

¹ Petitioner's legal name is Luis Alfredo Martinez Guardado. However, due to an inadvertent error by ICE, Petitioner's name appears as Luis Alfredo Martinez Cruz. Petitioner attempted to correct this matter; however, his name appears in all immigration proceedings as Luis Martinez Cruz.

2. Petitioner's unlawful detention commenced with his detention at his regular reporting session with ICE-ERO in Miramar, Florida, on November 18, 2025. When he routinely reported, he was apprehended by ICE and transported to Florida Soft Side South Detention Center (commonly known as Alligator Alcatraz) where he remained until he was recently transferred to Adams County Correctional Center. Prior to his transfer to Adams County Correctional Center, Mr. Martinez had a bond hearing at the Krome Immigration Court in Miami, Florida. It was at this hearing that Mr. Martinez was erroneously denied bond due to lack of jurisdiction. (D.E. 1-2, p.9-11). Moreover, Mr. Martinez has been in removal proceedings and is actively scheduled for removal proceedings in the non-detained docket in the Miami Immigration Court. (D.E. 1-2, p.13-15). Mr. Martinez has been living in Florida for over twenty-two years. Mr. Martinez's family, including his U.S. citizen parents and wife, are in Florida. His lawyer, undersigned counsel, is in Florida and licensed in Florida and admitted in the Southern District of Florida, but not in Mississippi or the Southern District of Mississippi.
3. Furthermore, there are substantial Respondents that reside within the Southern District of Florida, including: Immigration Judge Elisa M. Sukkar, Acting Field Office Director Kelei Walker, Chief of the Office of the Principal Legal Advisor Nelson Perez, and U.S. Attorney for the Southern District of Florida Jason Reding Quiñones. Immigration Judge Elisa M. Sukkar oversees all immigration judges in Miami, Florida, including Immigration Judge Rene Mateo, who erroneously determined he did not have jurisdiction and Immigration Judge Scott Alexander, who retains jurisdiction over Mr. Martinez's removal proceedings. Acting Field Office Director Kelei Walker, the Acting Field Office Director for Miami, Florida, maintains jurisdiction over the detention of Petitioner, and the officials who made

the decision to apprehend him. In fact, the ICE-ERO office with jurisdiction over Mr. Martinez's case is the Krome, Miami, FL Docket Control Office. (D.E. 1-2, p.17-18). Printout of the Immigration Detainee Locator Information System. It is the Krome Miami Field Office, which falls within the jurisdiction of this District which maintains jurisdiction over Petitioner's detention and future bond and custody redetermination hearings as well as the past bond and custody redetermination hearing, erroneously denied for lack of jurisdiction.

4. Notably, all listed Respondents are the proper Respondents in the pending petition. It is not Rafael Vergara, the warden of a privately run facility, that maintains jurisdiction over Mr. Martinez, nor is he the immediate custodian. ICE records clearly indicate it is the Krome Miami Field Office which retains jurisdiction over Mr. Martinez and his bond and custody redetermination hearings. It was an Immigration Judge at Krome Immigration Court in Miami, Florida that erroneously denied bond for lack of jurisdiction and it is a Krome and the ICE-ERO Field Office Director who apprehended Mr. Martinez and maintains jurisdiction over his custody. Thus, all listed Respondents are proper.
5. Additionally, 28 U.S.C. § 2241(a) states that a writ of habeas corpus may be granted by "the district courts and any circuit judge within their respective jurisdictions. The order of the circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had." Mr. Martinez was unlawfully detained in Miramar, Florida by ICE-ERO, where he was then transported to Florida Soft Side South Detention Center. He was subsequently denied a bond redetermination hearing by the Krome Immigration Court in Miami, Florida. It is clear the restraint complained of occurred in the Southern District of Florida and thus, venue is proper with this District Court.

6. Although habeas petitions are generally filed within the district court with jurisdiction over the filer's place of custody, this is not always the case, and district courts have found venue to be proper outside of the district where the petitioner is in custody. *So v. Reno*, 251 F.Supp.2d 1112 (E.D.N.Y. 2003) (citing *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 93 S.Ct. 1123, 35 L.Ed.2d 443 (1973) and *Mojica v. Reno*, 970 F.Supp. 130 (E.D.N.Y. 1997) because no venue statute exists for habeas, must rely on traditional considerations: "(1) the location where the material event took place; (2) where records and witnesses pertinent to the claim are likely to be found; (3) the convenience of the forum for respondent and petitioner; and (4) the familiarity of the court with the applicable law." Here, all traditional circumstances relating to venue lead this Court to the conclusion that venue is proper. The material event, meaning Mr. Martinez's detention and denial of a bond hearing for lack of jurisdiction occurred with this district. Additionally, it is imperative for venue to remain in the Southern District of Florida. It is where Petitioner's family, especially his U.S. citizen wife who has filed an I-130, *Petition for Alien Relative*, on his behalf, and his U.S. citizen parents are located, and Petitioner's counsel is within the Southern District of Florida. To change venue will subject Mr. Martinez to be without counsel as counsel is not admitted in Mississippi, making legal representation cost prohibitive. This will be a grave injustice that will cause further delay to Mr. Martinez and will exacerbate Mr. Martinez's unlawful detention and violation of due process. Mr. Martinez is suffering from severe medical diseases which are being heightened by his continued detention. Mr. Martinez is currently sleeping on the floor of the detention center, as his gout has caused him unbearable pain in his knee, making it impossibly painful for Mr. Martinez to reach his bed. Furthermore, Mr. Martinez is not getting his required

nutrition as he is left unable to walk to get breakfast in a different building given his lack of medical attention. This inability to get food is putting Mr. Martinez at substantial risk of a diabetic coma as his blood sugar is continuously dropping. His doctors and medical providers are in Florida and not in Mississippi. He is entitled to his health care which he provided for and paid through his had earned insurance. Mr. Martinez requires constant and precise medications. His continued detention is a liability and putting his life at risk. Changing venue will cause unnecessary delay in the case, prolonging Mr. Martinez's detention and continuing to put his life at risk, when this Court has the most familiarity of the law. Thus, it is respectfully requested this Honorable Court deny Respondent's Motion to Transfer Venue and maintain venue within this Honorable District.

7. Additionally, it is respectfully requested, Respondent's request to dismiss the instant proceedings be denied, as detailed above, venue is proper in the Southern District of Florida.

WHEREFORE, it is respectfully requested Respondent's Motion to Transfer Venue be denied and venue remain before this Honorable Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of December 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send notice of such filing to all counsel of record.

/s/ Linda Osberg-Braun

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