UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:25-cv-04720-SRN-LIB

WALTER ACUNA CRUZ,

Petitioner,

v.

PETER B. BERG, *et al.*,

Respondents.

REPLY IN SUPPORT OF FEDERAL RESPONDENTS' MOTION TO DISMISS OR TRANSFER

This habeas petition does not belong in Minnesota. Acuna Cruz should have filed it in Texas, which is where he was detained on the date of filing and where he continues to be detained today. The Federal Respondents alerted Acuna Cruz to this problem right after he filed this case, offering to stipulate to transfer the petition to the Southern District of Texas. But Acuna Cruz refused what should have been a simple solution that would have gotten his petition before a judge with jurisdiction to promptly decide it on the merits. And now he is trying to keep the case in this Court with unsupported factual assertions and a fundamental misunderstanding of the basic principles of habeas corpus law.

The arguments in Acuna Cruz's opposition do not justify keeping a habeas petition in Minnesota that should have been filed in Texas. For the reasons discussed below and in their opening brief, the Federal Respondents respectfully request that the Court dismiss Acuna Cruz's petition for improper venue. In the alternative—and notwithstanding Acuna Cruz's refusal to accept a transfer—the Court should send this case to the Southern District of Texas pursuant to 28 U.S.C. § 1406(a).

ARGUMENT

The rule at issue in this motion is simple, and Acuna Cruz does not dispute it. "[F]or core habeas petitions challenging present physical confinement, jurisdiction lies in ***only one district***: the district of confinement." *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (emphasis added). As Acuna Cruz acknowledges, "core habeas petitions" are petitions that relate to a person's custody. Dkt. 14, at 2. Indeed, the very Supreme Court decision Acuna Cruz cites explains that "[r]egardless of whether the detainees formally request release from confinement, because their claims for relief necessarily imply the invalidity of their confinement and removal under the [Alien Enemies Act], their claims fall within the 'core' of the writ of habeas corpus." *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (per curiam) (citations and internal quotation marks omitted). Acuna Cruz is asserting a "core" habeas claim in this case. Thus, he must seek relief from the only court with jurisdiction to hear that claim.

As best the Federal Respondents can understand, Acuna Cruz's opposition boils down to arguing that he "does not challenge physical custody, and neither does his claim 'necessarily imply the invalidity' of his custody because even if the Court finds that effecting his removal is illegal, [Acuna Cruz] will still remain in custody." Dkt. 14, at 4. Thus, according to Acuna Cruz, his petition raises "a claim that does not lie at the 'core' of habeas." *Id.* at 5. This argument lacks merit, for several reasons.

First, contrary to Acuna Cruz's assertion, his petition is obviously designed to bring about his release from custody. The "prayer for relief" seeks an order declaring that Acuna Cruz's removal would be unlawful and directing the Federal Respondents to make a post-

order custody determination regarding whether Acuna Cruz "should remain lawfully detained." Dkt. 1, at 44. Of course, if the Court gives Acuna Cruz the declaration he wants regarding non-removability, the implication is that the Federal Respondents will ***have*** to release him following a post-order custody determination. Arguing that his release is a few steps down the road does not change the fact that Acuna Cruz's petition necessarily implies the invalidity of his current confinement and seeks release from that confinement. *See J.G.G.*, 604 U.S. at 672.

Second, Acuna Cruz misunderstands the facts of *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973), and his reliance on the case is misplaced. The Supreme Court explained in *Braden* that a writ of habeas corpus acts "upon the person who holds [a petitioner] in what is alleged to be unlawful custody. 410 U.S. at 494-95. A § 2241 habeas petition must therefore be brought in a district court that would "have jurisdiction over the custodian." *Id.* at 495. Here, the person who holds Acuna-Cruz in custody is undisputedly in Texas. But Acuna Cruz persists, likening his situation to *Braden* by arguing that he sends requests related to his immigration proceedings to individuals in Minnesota and that "Minnesota authorities retain the jurisdiction over [him]." Dkt. 14, at 3. Set aside that Acuna Cruz offers no evidentiary support for these assertions.[1] It is perfectly understandable that he will continue sending materials to Minnesota because that is where his underlying immigration proceedings are venued and where the Department of

[1] Acuna Cruz points to his petition to support his factual assertions. Dkt. 14, at 3. But the petition is not verified and has no accompanying exhibits, nor did Acuna Cruz provide a declaration in opposition to the Federal Respondents' motion to dismiss.

Homeland Security attorneys handling his ongoing challenges to removal are located. *See generally* Pet. at 18-19. Moreover, none of Acuna Cruz's allegations are analogous to a Kentucky official lodging a detainer against an Alabama inmate so that the official can take custody of the inmate after his Alabama sentence expires. *See Braden*, 410 U.S. at 498-500. Nobody in Minnesota is making decisions to detain Acuna Cruz or making plans to take him into custody after his detention in Texas—when he leaves custody in Texas, it will be because Acuna Cruz is getting removed from the country.

Third, Acuna Cruz levels a series of accusations toward ICE for retaliating against him and violating his First Amendment rights. Dkt. 14, at 3. Yet he cites no authority holding that a habeas petitioner can defeat the basic rule for determining which court has habeas jurisdiction just by baldly alleging government misconduct. And to be clear: it makes perfect logistical sense to relocate Acuna Cruz from Minnesota to Texas so that ICE can complete his removal to Guatemala. Faced with similar habeas petitions brought to challenge immigration-related detention by petitioners after they left Minnesota, this Court has repeatedly found it lacks jurisdiction under § 2241. *See, e.g.*, *Alonso v. Office of Chief Counsel/Immigration & Customs Enf't*, 2013 U.S. Dist. LEXIS 161055 (D. Minn. Sep. 25, 2013), *adopted by* 2013 U.S. Dist. LEXIS 160842 (D. Minn. Nov. 8, 2013); *Cherichel v. Baniecke*, 2011 U.S. Dist. LEXIS 51718 (D. Minn. Apr. 20, 2011), *adopted by* 2011 U.S. Dist. LEXIS 51725 (D. Minn. May 13, 2011). The Federal Respondents cited these cases in their opening brief, and Acuna Cruz's opposition offers no response to them.

Fourth, Acuna Cruz's concerns about the "expense and burden" of litigating this case in Texas are unfounded. Dkt. 14, at 4. His attorney is admitted in the Southern District

of Texas and capable of litigating there, and the case can likely be resolved based on the parties' written submissions given that Acuna Cruz's petition primarily raises legal questions instead of factual questions. As the Federal Respondents noted in their opening brief, this Court did not need testimony or in-court appearances when resolving Acuna Cruz's prior habeas petition raising the same arguments about his special immigrant juvenile status and post-order detention. It stands to reason that a federal court in Texas will not need these things either.

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Consistent with the simple rule that the Supreme Court announced in *Rumsfeld*, this habeas petition should have been filed in Texas. Acuna Cruz's arguments do not overcome that rule or support applying a different one in this case. The Court should therefore grant the Federal Respondents' motion.

CONCLUSION

The Federal Respondents respectfully request that the Court dismiss this case or transfer it to the Southern District of Texas.

Dated: January 15, 2026

DANIEL N. ROSEN
United States Attorney

s/ Trevor Brown

BY: TREVOR C. BROWN
Assistant United States Attorney
Attorney ID Number 396820
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415
(612) 664-5600
trevor.brown@usdoj.gov