

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)**

JOSE CRUZ SANTOS,	*	
Petitioner,	*	Case No. 1:25-cv-04096-DLB
v.	*	
NIKITA BAKER, <i>et al.</i> ,	*	
Respondents.	*	
* * * * * * * * * * * * *		

JOINT MOTION TO TRANSFER VENUE

Petitioner, Jose Cruz Santos, and Respondents, United States Immigration and Customs Enforcement (“ICE”) Baltimore Field Office Acting Director Jeremy Bacon,¹ ICE Acting Director Todd M. Lyons, Department of Homeland Security Secretary Kristi Noem, and United States Attorney General Pamela Bondi, by and through their respective undersigned counsel, submit this Joint Motion to Transfer Venue.

I. RELEVANT FACTUAL BACKGROUND

At approximately 2:31 PM Eastern Standard Time on December 12, 2025, Petitioner initiated this habeas action pursuant to 28 U.S.C. § 2241. ECF No. 1. However, Petitioner was not detained in the District of Maryland at the time the action was filed. At 8:00 AM Eastern Standard Time on December 12, 2025, Petitioner was booked out of the ICE Baltimore Field Office for his transfer to the Florence Staging Facility in Florence, Arizona. *See* Exhibit 1, Declaration of Joseph Burki (“Burki Decl.”), at ¶ 8; *see also* Exhibit C to Burki Decl. After

¹ Pursuant to Federal Rule of Civil Procedure 25(d), upon the departure of a public officer sued in their official capacity, “[t]he officer’s successor is automatically substituted as a party.” Fed. R. Civ. P. 25(d). Jeremy Bacon has recently been named Acting Field Office Director for the ICE Baltimore Field Office. Thus, he is automatically substituted as the respondent for former-Acting Field Office Director Nikita Baker.

Petitioner was booked out of the ICE Baltimore Field Office, he was immediately transported by ground to Liberty Newark International Airport (EWR) in Newark, New Jersey, where he remained until his flight (Mission #26-001464) at 4:30 PM Eastern Standard Time bound for Mesa Gateway Airport (IWA) in Mesa, Arizona. Exhibit 1, Burki Decl., at ¶ 9; *see also* Exhibits D & E to Burki Decl. Thus, at the time the Petition was filed, Petitioner was detained in New Jersey, not Maryland.

On December 22, 2025, upon investigation and confirmation from ICE that Petitioner was not detained in Maryland at the time the case was filed, Respondents' counsel advised Petitioner's counsel of the matter and provided the Burki Declaration with supporting documentation for review. The parties subsequently agreed to jointly move to transfer the case to the District of New Jersey, as that is where Petitioner was detained when the Petition was filed.

II. ARGUMENT

In a habeas corpus proceeding brought pursuant to 28 U.S.C. § 2241, the proper respondent is the prisoner's immediate custodian, *i.e.*, the warden of the institution in which the prisoner is confined. *See* 28 U.S.C. § 2243 ("The writ, or order to show cause shall be directed *to the person having custody of the person detained.*" (emphasis added)); *see also Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004) ("The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is the person who has custody over the petitioner. . . . This custodian, moreover, is the person with the ability to produce the prisoner's body before the habeas court. We summed up the plain language of the habeas statute over 100 years ago in this way: These provisions contemplate a proceeding against some 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, that he may be liberated if no sufficient reason is shown to the contrary." (internal citations and

quotation marks omitted) (emphasis in original)). “The plain language of the habeas statute . . . [also] confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Padilla*, 542 U.S. at 443.

Here, as discussed above, Petitioner was not detained by ICE in the District of Maryland when the Petition was filed. *See generally* Exhibit 1, Burki Decl. Because Maryland was not the “district of confinement” at the time the Petition was filed, this Court may not hear the case. *See Mario Hernandez Escalante v. Kristi Noem*, Civil Action No. 1:25-cv-01799-PX, ECF No. 18 at 2 (D. Md. June 25, 2025) (transferring an immigration habeas case to the federal district in which the petitioner was confined at the time the habeas petition was filed). Rather, the Court should transfer the action to the district of confinement, which was the District of New Jersey, pursuant to 28 U.S.C. § 1404(a), as the parties jointly request. *See* 28 U.S.C. § 1404(a) (“[I]n the interests of justice, a district court may transfer any civil action to any other district court 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).²

III. CONCLUSION

For these reasons, the Court should transfer this action to the United States District Court for the District of New Jersey.

² The Court also has authority to transfer the case pursuant to 28 U.S.C. § 1406(a). *See* 28 U.S.C. § 1406(a) (“The 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.”).

Respectfully submitted,

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Dated: December 23, 2025

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of December, 2025, a copy of the foregoing Joint Motion to Transfer Venue was served electronically on all parties and counsel receiving service via CM/ECF in this case.

/s/ Megan L. Micco
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