

Petitioner's Name: ABDUMADZHITKHON ZIIADULLAEV

Respondent's attorney and address:

Diana Rubin, Esq.

NY Bar Reg. No. 520-2627

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Email: Dianarubinatty@gmail.com

**UNITED STATE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

ABDUMADZHITKHON ZIIADULLAEV,

Petitioner,

-against-

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement (ICE); MARCOS CHARLES, in his official capacity as Acting Executive Associate Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; ALEJANDRO N. MAYORKAS, Secretary, U.S. Department of Homeland Security; KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security; and PAM BONDI, in her official capacity as Attorney General of the United States, and and MARCELLO VILLEGAS - the WARDEN, BLUEBONNET DETENTION FACILITY, in their official capacity as custodian of petitioner, Respondents.

**AMENDED NOTICE OF
MOTION
TO CHANGE VENUE**

Case No.: 1:25-cv-00292-H

MOTION BY: ABDUMADZHITKHON ZIIADULLAEV,
Petitioner.

DATE, TIME AND
PLACE OF HEARING: At the United State District Court For The Northern
District Of Texas Abilene Division, 341 Pine Street,
Room 2008. Abilene, TX 79601 at a date and
time to be determined by the Court, conducted
virtually.

RELIEF SOUGHT: An Order granting this Motion to Change Venue
pursuant to (1) 28 U.S.C. § 1406(a), on the grounds
that venue was improper at the time the Petition was
filed because Petitioner was physically confined/
located in the Western District of Oklahoma; (2)
Alternatively, transfer this action under 28 U.S.C. §
1404(a) in the interests of justice and for the
convenience of the parties, to the United States
District Court for the Western District of Oklahoma,
where Petitioner is currently confined at the
Diamondback Correctional Facility; (3) Order the
Clerk of Court to transmit the complete case file,
including the Petition for Writ of Habeas Corpus
and all related motions and exhibits, to the Western
District of Oklahoma; and (4) Grant such other and
further relief as the Court deems just and proper.

SUPPORTING PAPERS: Petitioner's/undersigned's Memorandum of
Law/Affirmation in support of the Instant
Motion.

Dated: Port Washington, New York
January 23, 2026

By:

THE LAW OFFICE OF DIANA RUBIN
Diana Rubin Esq.
NY Bar Reg. No. 520-2627
Attorney for Petitioner
ABDUMADZHITKHON ZIIADULLAEV
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Case No.: 1:25-cv-00292-H

Petitioner, ABDUMADZHITKHON ZIIADULLAEV (“Petitioner”), by and through undersigned counsel, Diana Rubin, respectfully moves this Honorable Court for an order changing venue of his Habeas Corpus proceedings from the United State District Court for the Northern District Of Texas Abilene Division to the United States District Court for the Western District of Oklahoma. In support of this Motion, Respondent states as follows:

1. By way of background, Petitioner is a citizen of Russia who entered the United States at the Laredo, Texas Port of Entry on or about May 25, 2023. Petitioner applied for admission and was admitted on that same date. Shortly thereafter, Petitioner applied for asylum in the State of New York, and his asylum application was accepted by the Immigration Court. Subsequently, the Petitioner was released from detention.
2. The Petitioner was unjustifiably and indiscriminately apprehended by officers of U.S. Immigration and Customs Enforcement (“ICE”) on or about June 21, 2025, during a traffic stop in San Angelo, Texas. At no time following his entry into the United States or after applying for asylum did the Petitioner engage in any unlawful activity, commit any criminal offense, or violate any condition of release imposed by immigration authorities. Petitioner was placed to Bluebonnet Detention Facility Anson, Texas (“Texas Detention Facility”).
3. On or about December 30, 2025 Petitioner filed Habeas Corpus Petition in this Court challenging the constitutionality/lawfulness of his detention and requesting, among other things, a bond hearing (the “Petition”). The Petition is currently pending in this Court. The Petition was filed at or about 11:54 AM.

4. Prior to undersigned filing the Petition, unbeknown to her, the Petitioner was transferred to Diamondback Correctional Facility ("Oklahoma Detention Facility"), on the same day, December 30, 2025, at or around 8:30 AM.
5. The undersigned only learned of Petitioner's transfer to Oklahoma Detention Facility after the Petition had been filed in this Court.
6. As of the date of this application, Petitioner is being held in Oklahoma Detention Facility.
7. For 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). At the time this Petition was filed at 11:54 AM on December 30, 2025, upon information and belief, Petitioner was physically confined in Oklahoma/was physically in Oklahoma, having been transferred there at 8:30 AM that same morning, as stated above.
8. Under the strict rule of *Rumsfeld*, proper venue for this action lies in the Western District of Oklahoma, where Petitioner was confined when the Petition was filed. While counsel acted in good faith based on Petitioner's last known location, as a general matter the jurisdiction attaches based on actual confinement, not counsel's reasonable beliefs about confinement.
9. Accordingly, this action should be transferred to the Western District of Oklahoma under 28 U.S.C. § 1406(a), which authorizes transfer when venue is improper, or alternatively under 28 U.S.C. § 1404(a) in the interests of justice.
10. Even if this Court concludes it has jurisdiction based on counsel's good-faith filing, transfer remains appropriate under the principles established in Balawajder v. Scott, 160 F.3d 1066, 1067 (5th Cir. 1999). When jurisdiction lies in more than one district, courts have "broad

authority to transfer the case in the interests of justice to another district in which the action might have been brought." Id.

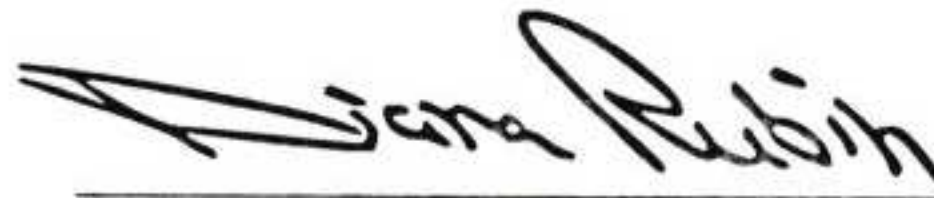
11. First, Petitioner has been confined in Oklahoma/was physically in Oklahoma since before this Petition was filed. The Western District of Oklahoma is the forum most directly connected to his current and ongoing confinement. That court is best positioned to adjudicate challenges to his detention, conduct any necessary bond hearings, and enforce compliance with any release conditions.
12. Second, courts in this State recognize the importance of adjudicating habeas petitions in the district of current confinement. For example, in the analogous case of *Pena-Ramirez v. United States Department of Homeland Security*, the Southern District of Texas transferred a habeas petition following the petitioner's relocation, finding that "this case should be transferred for the convenience of the witnesses to the district in which Pena-Ramirez is currently detained." 2025 WL [citation], at *6 (S.D. Tex. Dec. 1, 2025).
13. Third, transfer avoids potential jurisdictional complications and preserves judicial resources.
14. When Petitioner filed his Habeas Corpus Petition in this Court, he was already released from Texas Detention Facility and was already in Oklahoma Detention Facility or en route to Oklahoma Detention Facility. Under established law, a habeas petition challenging present physical confinement must be filed in the district of confinement. Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004); United States v. McPhearson, 451 F. App'x 384, 387 (5th Cir. 2011) (per curiam).
15. In addition, Petitioner's physical presence at the Oklahoma Detention Facility makes the Western District of Oklahoma a significantly more convenient forum. Should evidentiary

hearings be required or held, including the bond hearing Petitioner seeks in his instant Petition, the Petitioner would be able to participate more effectively in the district of confinement. While electronic appearances may be possible, in-person testimony at bond hearings often carries greater weight and allows for more effective presentation of evidence regarding flight risk, community ties, and other factors relevant to release determinations.

WHEREFORE, Respondent respectfully requests that this Honorable Court: (1) grant this motion to Change Venue; (2) transfer this action, including all pending motions and pleadings, to the United States District Court for the Western District of Oklahoma, where Petitioner is currently confined at the Diamondback Correctional Facility; (3) order the Clerk of this Court to transmit the complete case file, including the Petition for Writ of Habeas Corpus and all related documents, to the Western District of Oklahoma; and (4) grant such other and further relief as the Court deems just and proper.

Dated: Port Washington, New York
January 23, 2026

By:



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Attorney for Petitioner
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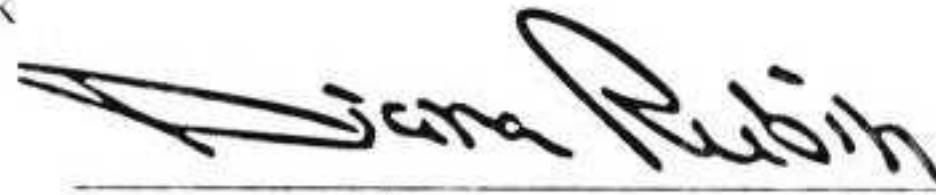
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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 2026, a true and correct copy of the foregoing Petitioner's Motion to Change Venue was filed electronically via the ECF.

Dated: Port Washington, New York
January 23, 2026

A handwritten signature in black ink that reads "Diana Rubin". The signature is written in a cursive style and is positioned above a horizontal line.

Diana Rubin

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No. 1:25-CV-292-H

Respondents.

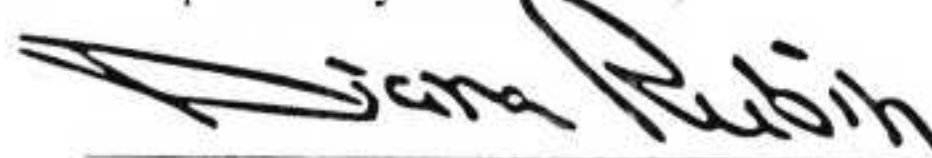
CERTIFICATE OF CONFERENCE

Pursuant to Local Civil Rule 7.1(b), the undersigned certifies that on January 16, 2026, counsel for the Petitioner, the undersigned, conferred via email with counsel for Respondents regarding the Petitioner's Motion to Change Venue.

During the conference, the undersigned proposed to stipulate to the withdrawal and dismissal of the habeas petition without prejudice, in light of the Petitioner's transfer to a facility outside this district at the time the petition was filed. Respondents' counsel responded that they objected to the proposed relief and explained that, in their view, the court retained jurisdiction over the petition notwithstanding the Petitioner's transfer.

Accordingly, despite the exchange of correspondence, the parties were unable to reach an agreement regarding the relief sought in the motion.

Respectfully submitted,



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