

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

ABDUMADZHITKHON ZHADULLAEV,

Petitioner,

v.

TODD LYONS, et al.,

Respondents.

Civil Action No. 1:25-cv-00292-H

RESPONSE TO MOTION TO CHANGE VENUE

Respondents file this response to Petitioner's "Notice of Motion to Change Venue" (Dkt. No. 15) and respectfully ask this Court to deny the motion. As discussed herein, Petitioner fails to show that he had been transferred to a different detention facility at the time this case was filed, and since jurisdiction vests with a habeas court upon filing of the petition (such that a post-filing transfer of the petitioner is irrelevant), Petitioner's motion should be denied. Additionally, Petitioner's request is untimely in that this case is now fully briefed and ripe for adjudication.

BACKGROUND AND PROCEDURAL HISTORY

On December 30, 2025, at 11:54 A.M., Petitioner filed a petition for writ of habeas corpus requesting release from immigration detention at the Bluebonnet Detention Facility in Anson, Texas. (Dkt. No. 1, ¶ 10). On January 21, 2026, however, Petitioner filed a motion to transfer venue to the Western District of Oklahoma. (Dkt. No. 15.)

Petitioner asserts that a transfer is proper under a theory that he was “transferred to Diamondback Correctional Facility (‘Oklahoma Detention Facility’), on the same day, December 30, 2025, at or around 8:30 AM.” (Dkt. No. 15 at 5.)

Petitioner was in fact transferred from Bluebonnet to Diamondback on December 30, 2025. (App. at 002). However, the timing of the transfer is different than what Petitioner represents. Petitioner’s transport left Bluebonnet at approximately 7:54 a.m. on December 30, 2025. (App. at 002). The government has not been able to ascertain the exact time of the transport’s arrival at Diamondback, but the distance between Bluebonnet and Diamondback is approximately 278 miles according to Google Maps, with much if not all of that route on rural undivided highways.¹ (App. at 003). With an estimated travel time of 4 hours and 20 minutes per Google, (App. at 003) (and four-and-a-half hours according to the transportation sergeant whose declaration appears in the appendix, (App. at 002), that means that the transport would not have reached Diamondback until 12:14 p.m. on December 30, 2025. (See App. at 002).

As noted above, Petitioner moved to transfer this case on January 21, 2026. Respondents now respond and ask the Court to deny the requested transfer.

ARGUMENT AND AUTHORITIES

As the movant, it is Petitioner’s burden to show that a transfer is warranted. *See Def. Distributed v. Bruck*, 30 F.4th 414, 433 (5th Cir. 2022).² But here, Petitioner has

¹ One possible route goes partway on Interstate Highway 44, but that route is longer in terms of distance and estimated time. (See App. at 003).

² Most transfer requests are analyzed under a convenience analysis given that a convenience-based request appears to be the most common basis for a requested transfer. Respondents are not aware,

failed to do so, and as discussed above, the evidence actually reflects that Petitioner had likely not yet arrived at Diamondback on December 30, 2025 at the time this case was filed (at 11:54 a.m.). Respondents have not found caselaw that directly addresses this issue where a habeas petition is filed as a transfer is being carried out, but it seems logical to conclude that because Petitioner had not yet been received by the warden of Diamondback at the time this case was filed, it cannot be said that the Diamondback warden was Petitioner's immediate custodian at that time, and instead the custodian was still the warden at Bluebonnet until a new warden formally took custody. Accordingly, transferring the case to the Western District of Oklahoma under a theory that Petitioner's immediate custodian was the warden of Diamondback would not be appropriate.

Moreover, the fact that Petitioner was received at Diamondback at some point seemingly shortly after this case was filed does not mean that a transfer is appropriate. It is well-settled that the government routinely moves detainees or prisoners between and among facilities due to capacity limitations and other operational issues, but any such move, even if to a facility in another district, would not affect this Court's jurisdiction over this case or the continuing availability of venue. *See Smith v. Fleming*, No. 4:02-CV-440-Y, 2002 WL 31114021, at *2 (N.D. Tex. Sept. 20, 2002) ("It is well established that jurisdiction over the petitioner attaches with the initial filing for habeas corpus relief, and it is not destroyed by a transfer of the petitioner and the accompanying custodial change"); *see also Moler v. Wells*, 18 F.4th 162, 166 n.7 (5th Cir. 2021) (explaining that

however, that the burden would not be on the movant even when a transfer is requested for some other reason.

“venue [is] determined at the outset of litigation and [is] not affected by subsequent events”).

Finally, an additional consideration weighing against transfer is the timing of Petitioner’s motion. Despite the proximity in timing between the filing of the habeas petition and Petitioner’s subsequent transfer, Petitioner delayed seeking a change of venue for over two weeks. Specifically, Petitioner waited seventeen days after the initial habeas petition was filed, and only raised the issue after Respondents had already prepared and submitted their response to the petition. At no point prior to the filing of Respondents’ response did Petitioner’s counsel indicate any intention to request a change of venue or otherwise communicate such a plan to the Court or the undersigned. As a result, the parties have fully briefed the relevant legal and factual issues, and the case is now ripe for adjudication. Allowing a change of venue at this stage would not only undermine judicial efficiency but also prejudice Respondents, who have expended resources in preparing their response in this district, and where a transfer of the case would require a transfer of litigation responsibilities to a different U.S. Attorney’s Office that is not familiar with this case. Accordingly, Respondents respectfully request that the Court deny Petitioner’s untimely motion to change venue and proceed to resolve the merits of the habeas petition as briefed.

Respectfully submitted,

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Certificate of Service

On February 11, 2026, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Omar J. Famada
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Special Assistant United States Attorney