

Petitioner's Name: ABDUMADZHITKHON ZIIADULLAEV

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**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.

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

**REPLY TO RESPONDENTS' OPPOSITION/RESPONSE TO PETITIONER'S MOTION
TO CHANGE VENUE**

Petitioner, ABDUMADZHITKHON ZIIADULLAEV (“Petitioner”), by and through undersigned counsel, Diana Rubin, respectfully submits this Reply to Respondents’ opposition/response to Petitioner’s motion to change venue.

Respondents oppose Petitioner’s motion to change venue from the Northern District of Texas to the Western District of Oklahoma and request that the Court deny the motion. Respondents argue that Petitioner has failed to demonstrate that he had already been transferred to Oklahoma/detention facility in Oklahoma at the time he filed his habeas petition, and that jurisdiction in habeas cases attaches at the time of filing. They further contend that the motion is untimely because the case is already fully briefed and ready for adjudication. According to Respondents, although Petitioner was transferred from Bluebonnet Detention Facility to Diamondback Correctional Facility on December 30, 2025, the timeline shows that he likely had not yet arrived to Oklahoma/detention facility in Oklahoma when the habeas petition was filed at 11:54 a.m. Respondents concede that Petitioner left detention facility in Texas at approximately 7:54 a.m.

Respondents also argue that even if Petitioner arrived at Diamondback shortly after filing, a post-filing transfer does not divest this court of jurisdiction. Finally, Respondents contend that the motion should be denied because of purported delay and prejudice. They argue that transferring the case now would undermine judicial efficiency, waste resources already expended, and require reassignment to a different U.S. Attorney’s Office unfamiliar with the matter, even though the case is already ripe for decision.

ARGUMENT

As a threshold matter, the Western District of Texas Local Civil Rule 3(b) states that a habeas corpus petition under 28 USCS § 2241 must be filed in the division that includes the county where the petitioner is in custody. Under 28 USCS § 2241 federal district courts have jurisdiction to entertain habeas corpus petitions for individuals "in custody" within their respective jurisdictions.

It is respectfully submitted that Petitioner cannot be considered in the custody of the Warden of the Bluebonnet Detention Facility because, at the time the Petition was filed (11:54 a.m.), the Warden and officials of the Bluebonnet Detention Facility had already signed Petitioner out of the facility approximately four hours earlier, at 7:54 a.m., as Respondents concede in their opposition. Put differently, at the time the Petition was filed, Petitioner was no longer physically present at the Bluebonnet Detention Facility and therefore cannot be deemed to have been in its custody at the time of filing. In addition, a cursory review of Google Maps calculations reveals that it takes approximately two hours (or less) to reach Oklahoma by highway from the Bluebonnet Detention Facility in Anson, Texas (see **Exhibit A**). Given that the Petition was filed approximately four hours after Petitioner was signed out of the Bluebonnet Detention Facility, it is highly likely that, at the time of filing, he was already well within Oklahoma's jurisdictional boundaries.

Regardless, in the matter Ramirez v. Noem, No. H-25-5484, 2025 U.S. Dist. LEXIS 233592, at *6 (S.D. Tex. Dec. 1, 2025), petitioner filed his § 2241 habeas petition in the Southern District of Texas while he was detained at the Joe Corley Processing Facility in Conroe, Texas.

Shortly after filing, and before any respondent was served, ICE transferred him to the Limestone County Detention Center in Groesbeck, Texas, which is located in the Western District of Texas. Based on this post-filing relocation to a different federal district, petitioner filed an ex parte motion to change venue to the Western District. In deciding the motion, based on 28 U.S.C. § 1404(a), the court considered convenience and the interest of justice. It noted that the petitioner was now physically confined in the Western District, making that forum more convenient for him. The court also considered that the proper respondent would be the warden of the current facility in the Western District and that relevant immigration and detention records were equally accessible in both districts. Balancing these factors, the court exercised its discretion to transfer the case to the Western District of Texas as the more convenient forum in light of the petitioner's current place of confinement.

Similarly here, even assuming *arguendo* that this Court retained jurisdiction at the moment of filing of the Petition, change of venue is appropriate under 28 U.S.C. § 1404(a) in the interest of justice and convenience. Petitioner is currently confined in Oklahoma. The proper respondent for purposes of a core habeas petition challenging present physical detention is the warden of the facility where Petitioner is presently held. Litigating the matter in the district of current confinement ensures that the Court with territorial authority over the immediate custodian is presiding over the action.

Finally, Respondents' claim of delay/prejudice is without merit. The substantive legal arguments and factual record are fully developed and will transfer with the case to a new venue in Oklahoma. The Western District of Oklahoma's DHS office is fully capable of reviewing the briefing and adopting or supplementing Respondents' position as appropriate. Moreover, should

this Court deny the motion, any subsequent enforcement issues, compliance monitoring, or related proceedings would necessarily involve the Western District of Oklahoma where Petitioner is now confined.

CONCLUSION

In light of the foregoing, it is respectfully requested that the Court grant the instant Motion to Change Venue.

Dated: Port Washington, New York
February 13, 2026

By:



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