

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 26-20137-CIV-KMM

ROBERTO GIL,

Petitioner,

v.

**D. MARIN, WARDEN GEO GROUP INC.
ADELANTO DETENTION FACILITY,
CALIFORNIA;**

Respondents.

**RESPONDENTS' RESPONSE TO PETITIONER'S MOTION TO TRANSFER VENUE
AND CROSS MOTION**

Immigration and Customs Enforcement, et al., (Respondents) respectfully file this Response to Plaintiff's Motion to Transfer Venue and Cross Motion maintaining that Roberto Gil's (Petitioner) Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Petition) should be transferred to the Eastern District of California, where Petitioner is detained, at the Adelanto Detention Facility in Adelanto California and has been there since June of 2025. Plaintiff's motion to transfer venue recommends that the receiving judicial district be the Middle District of Florida (MDFL), where there is no jurisdiction as discussed below.

I. FACTS

On January 9, 2026, Petitioner filed the Petition asking the Court to release him from custody because, among other things, he was initially apprehended, allegedly, for a crime he did not commit and was subsequently ordered to be removed by an Immigration Judge (*ECF No. 1 at pg.3 paragraph 3*). On January 9, 2026, Petitioner filed a motion to transfer venue to the MDFL. DE 4.

Adelanto Detention Facility is located in Adelanto California, in San Bernardino County, California. San Bernardino County lies within the jurisdiction of the Eastern District of California. *See* 28 U.S.C. § 84(c) (explaining the counties, which includes San Bernardino County, that comprise the Eastern District of California).

II. ARGUMENT

Section 2441 allows “the [U.S.] Supreme Court, any justice thereof, the district courts and any circuit judge” to grant writs of habeas corpus “within their respective jurisdictions.” 28 U.S.C. § 2441(a). The Supreme Court has interpreted the “within their respective jurisdiction language to mean that a Section 2441 petitioner challenging his present physical custody must file a petition for writ of habeas corpus in the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 446-47 (2004). “In challenges to present physical confinement...the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent.” *Padilla*, 542 U.S. at 435-40, 439.

Recently, in *Trump v. J.G.G.*, the Supreme Court reinforced that even for habeas petitions filed by immigration detainees, “jurisdiction lies in only one district: the district of confinement” *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (citing *Padilla*, 542 U.S. at 426, 443). In *J.G.G.*, the Supreme Court found that detainees in Texas improperly filed a putative class action challenging their detention in the District of Columbia. (“The detainees are confined in Texas, so venue is improper in the District of Columbia.”).

Importantly, courts in this district, citing *Padilla*, have previously dismissed habeas petitions for lack of jurisdiction filed by immigration detainees located outside the Southern District of Florida. *See Zhang v. United States*, 21-CV-81382-ALTMAN, 2021 U.S. Dist. LEXIS 162725, at *2-3 (S.D. Fla. Aug. 25, 2021) (dismissing habeas petition for lack of jurisdiction where

detainee was detained in Glades County Jail, in Glades County, Florida, because jurisdiction lies in the district of confinement); *Dolme v. Barr*, 20-CV-24106-Altman, 2020 U.S. Dist. LEXIS 197596, at *2-3 (S.D. Fla. Oct. 21, 2020) (dismissing habeas petition for lack of jurisdiction where detainee was detained in Wakulla County Jail, in Wakulla County, in the Northern District of Florida, because jurisdiction lies in the district of confinement).

Accordingly, Respondents respectfully request that this habeas petition be transferred to the Eastern District of California where Petitioner is currently detained.

Good Faith Certificate Pursuant to Local Rule 7.1(a)(3)

The undersigned was not able to confer with the Petitioner because he is currently in a United States Immigration and Customs Enforcement detention facility. There is no contemporaneous way of contacting Petitioner via telephone or email to get the Petitioner's position on the requested relief sought in this motion because there is no contact information other than a mailing address in the petition itself.

Respectfully submitted,

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