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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 A.A.,
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14 KRISTI NOEM, *et al.*,
15 Respondents.

No. 1:26-CV-00302-DAD-JDP

**RESPONSE TO ORDER OF IMMEDIATE
RELEASE AND REQUEST TO DISMISS
PETITION OR TRANSFER TO THE
SOUTHERN DISTRICT OF CALIFORNIA**

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17 In attempting to execute this Court Order of immediate release, ECF No. 11, it was discovered
18 that Petitioner was never within the physical jurisdiction of the Eastern District of California. Since his
19 initial immigration detention on December 24, 2025, he has been detained at Otay Mesa Detention
20 Center in Otay Mesa, California.

21 Petitioner has not ever been detained at California City Correctional Facility. But see ECF No. 1
22 at 4 (Petitioner erroneously alleged that he is detained at California City Correctional Facility).

23 The proper venue for a 28 U.S.C. § 2241 habeas petition is the district court of the district
24 wherein the restraint complained of is had. See *Ramirez v. United States*, No.
25 108CV00633OWWJMDHC, 2009 WL 2044782, at *3 (E.D. Cal. July 9, 2009).

26 If a habeas petition is filed in an improper venue, the court may either dismiss the petition or
27 transfer it to the correct venue, if transfer is “in the interest of justice.” See 28 U.S.C. § 1406(a). Thus,
28 here, the Court should dismiss the Petition or transfer it to the Southern District of California.

1 Accordingly, the Court is asked to reconsider its Order granting immediate release. ECF No. 11.
2 Respondents request the Court to dismiss the Petition or transfer it to the Southern District of California.

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4 Dated: January 19, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney

/s/ Jonathan H. Yu
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