United States District Court
Eastern District of Michigan

Carina Jimenez Santiago,

Petitioner,

v.

Kevin Raycraft, Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; Kristi Noem, Secretary, U.S. Department of Homeland Security,

Respondents.

Civil No. 26-10253

Honorable Mark A. Goldsmith
Mag. Judge Patricia T. Morris

Respondents' Motion to Dismiss or Transfer

As described in the attached brief, respondents respectfully request that the Court dismiss or transfer this case to the Northern District of Ohio because the Court lacks jurisdiction over petitioner's habeas claims as petitioner has not been detained in this district at any time during this suit.

Pursuant to Local Rule 7.1, counsel sought concurrence in this motion, but concurrence was not obtained.

Respectfully submitted,

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Dated: February 2, 2026

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Respondents' Brief in Support of Their Motion to Dismiss or Transfer

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Issues Presented

I. In this case challenging petitioner's current physical detention, is petitioner's immediate custodian the warden of the Corrections Center of Northwest Ohio when the Supreme Court holds that the proper respondent in such a case is the warden of petitioner's detention facility?

II. Is the district of petitioner's confinement the Northern District of Ohio when petitioner has been detained in that district at all times during this suit?

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Introduction

In this case, a noncitizen detained in the Northern District of Ohio challenges her detention and seeks a writ of habeas corpus to compel the respondents, none of whom are her immediate physical custodian, to release him. Under binding Supreme Court precedent, there are two distinct requirements for this Court to exercise habeas jurisdiction under 28 U.S.C. § 2241 and order release—petitioner must name as the respondent her "immediate custodian," and file her petition in her "district of confinement." Thus, under this rule, even if the Court has jurisdiction over the immediate custodian, it cannot exercise habeas jurisdiction if the petitioner is not confined with this district. Here, the Court should dismiss or transfer this action to the Northern District of Ohio for two independent reasons. First, petitioner failed to name her immediate custodian—the warden of her detention facility—as respondent in this case. Second, this is not the district of petitioner's confinement, therefore, even if the Court had jurisdiction over petitioner's immediate custodian, it still could not exercise habeas jurisdiction over this suit. Accordingly, respondents respectfully request that the Court dismiss, or in the alternative, transfer this matter to the Northern District of Ohio.

Background

Petitioner Carina Jimenez Santiago is a noncitizen detained during administrative immigration proceedings in the Northern District of Ohio. (Pet., ECF

No. 1, PageID.3; I-830, ECF No. 1-2, PageID.30).

On January 23, 2026, petitioner filed suit in federal court seeking a writ of habeas corpus. (*See* Pet., ECF No. 1). Petitioner named two respondents in her petition—the Detroit ICE Field Office Director and the Secretary of Homeland Security. (*See id.* at PageID.8–9). She did not name the warden of her detention facility as a respondent. (*See id.*).

Standard of Review

Under 28 U.S.C. § 1406(a) and 28 U.S.C. § 1631, if a district court lacks jurisdiction over a matter, it may dismiss the case or transfer it to a district where jurisdiction would be proper. A district court's decision to dismiss or transfer a matter under 28 U.S.C. § 1406(a) or 28 U.S.C. § 1631 is reviewed for an abuse of discretion. *Cosmichrome, Inc. v. Spectra Chrome, LLC*, 504 F. App'x 468, 472 (6th Cir. 2012).

Argument

In "core" habeas challenges to a petitioner's current physical detention, a petitioner must meet two distinct requirements to establish the Court's jurisdiction. First, the petitioner must establish that the Court has jurisdiction over her "immediate custodian." Second, she must establish that the court sits in the "district of confinement." "Together the[se elements] compose a simple rule . . . : Whenever a § 2241 habeas petitioner seeks to challenge her present physical custody within the

United States, she should name her warden as respondent and file the petition in the district of confinement." *Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004). If petitioner cannot satisfy both elements of this simple rule, the court does not have jurisdiction to order release under 28 U.S.C. § 2241. *See id.*

The Court should reject any argument that the Court should instead apply an exception to this rule because no exceptions are warranted here. In addition, the authority most often cited to support such an argument, *Roman v. Ashcroft*, 340 F.3d 314 (6th Cir. 2003), would not support jurisdiction in this district even if it applied. In *Roman*, the Sixth Circuit only recognized a limited exception to the immediate custodian rule that allowed a court in the district of confinement to extend its jurisdiction. It did not conclude that a court outside the district of confinement could exercise jurisdiction over a petitioner in a different district simply based on the residence of a remote supervisory official. Accordingly, the Court should find that the Northern District of Ohio has jurisdiction over this habeas suit.

I. Petitioner's Immediate Custodian is Not Within This District

"The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is 'the person who has custody over [the petitioner].'" *Padilla*, 542 U.S. at 434–35 (2004) (citing 28 U.S.C. §§ 2242, 2243). "[T]here is generally only one proper respondent to a given prisoner's habeas petition" and "in habeas challenges to present physical confinement—'core

challenges'—the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official." *Id.* at 435. This is known as the "immediate custodian" rule. *See id.* (citing *Wales v. Whitney*, 114 U.S. 564, 574 (1885)).

A. The Warden of the Detention Center is the Immediate Custodian

The immediate custodian rule is best described in *Padilla.* In *Padilla*, the President ordered the Secretary of Defense to detain Padilla, a U.S. citizen, as an enemy combatant and, pursuant to that order, Department of Defense officials detained Padilla in a Naval brig in the District of South Carolina. *Padilla*, 542 U.S. at 429–31. Padilla filed a habeas petition in the Southern District of New York and named the President, the Secretary of Defense, and the commander of the Naval brig in South Carolina as respondents. *Id.* at 432. Petitioner argued that the New York court had jurisdiction because it had personal jurisdiction over the Secretary of Defense and the Secretary of Defense was his "immediate custodian" because he was the official with legal authority to grant his release. *Id.* However, the Supreme Court flatly rejected this "legal control" argument in cases in which the petitioner was challenging current physical custody and instead held that "identification of the party exercising legal control only comes into play when there is no immediate physical custodian with respect to the challenged 'custody.'" *Id.* at 439.

In reaching this conclusion, the Supreme Court was not troubled by the fact

that the commander of the Naval brig certainly did not have legal authority to override the President's order requiring petitioner's detention. *See Padilla*, 542 U.S. at 434–441. This is because all that is necessary to end unlawful physical custody is an order compelling the individual with control of the detention facility to open the gates and release the petitioner. *Id.* at 435. Accordingly, the only proper respondent in a habeas suit challenging physical detention is the "jailer" who can be compelled to open the prison doors, not the individual who ordered the individual detained in the first place. *See id.*; *see also Ex parte Endo*, 323 U.S. 283, 306 (1944) ("The important fact to be observed . . . that it is directed to, and served upon, not the person confined, but his jailer. . . .The officer or person who serves it does not unbar the prison doors . . . but the court relieves him by compelling the oppressor to release his constraint.") (quotation omitted).

Here, under a straightforward application of *Padilla*, the petitioner's immediate custodian is not within this district. In this suit, petitioner challenges her current physical detention. (*See* Pet., ECF No. 1, PageID.22—23). Petitioner has been detained in the Northern District of Ohio throughout this suit. (*See id.* at PageID.3; I-830, ECF No. 1-2, PageID.30). Therefore, her immediate custodian is the warden of the facility where she is detained because that is the individual who can be compelled by a court to open the doors to petitioner's detention facility. *See Padilla*, 542 U.S. at 434–441.

To the extent that petitioner may argue that *Padilla* does not apply here because *Padilla* did not involve a noncitizen in immigration detention, the Supreme Court has foreclosed that argument. First, in *Padilla*, the Court explicitly rejected the argument that its holding would only apply in cases like *Padilla* (military detention) or in criminal detention because "the statute itself makes no such distinction based on the source of physical detention." *Padilla*, 542 U.S. at 437. This reasoning precludes the argument that the immediate custodian rule does not apply in an immigration case. *See id.* Second, even if this reasoning were not clear, the Supreme Court itself recently applied *Padilla* in a case in which noncitizens challenged both their detention and their removal under the Alien Enemies Act. *See Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) ("For "core habeas petitions," "jurisdiction lies in only one district: the district of confinement."") (quoting *Padilla*). Given this authority, the Court must apply *Padilla* in this case.

B. No Exceptions to the Immediate Custodian Rule Apply in This Case

The Supreme Court has acknowledged two exceptions to the immediate custodian rule. *See Padilla*, 542 U.S. at 435–36 n.8–9. The first exception applies when the petitioner is not detained in any judicial district, such as when the petitioner is detained by the military in a territory overseas. *See, e.g.*, *Rasul v. Bush*, 542 U.S. 466, 475–84 (2004). The second is when the petitioner is not challenging his current physical detention and is instead pursuing a collateral habeas challenge

to attack "a form of 'custody' other than present physical confinement," such as cases challenging a non-detained person's military obligations or challenges to the threat of future confinement. *See Padilla*, 542 U.S. at 438–39. In those narrow circumstances, "the immediate custodian rule did not apply because there was no immediate physical custodian with respect to the 'custody' being challenged" and the petitioner could "name as respondent the entity or person who exercises legal control with respect to the challenged 'custody.'" *Id.* However, these exceptions do not apply here. Petitioner is challenging her current physical detention, not another form of constructive "custody." (*See* Pet., ECF No. 8, PageID.22–23). And she is detained in a judicial district—the Northern District of Ohio. (*See id.* at PageID.3; I-830, ECF No. 1-2, PageID.30). Therefore, the immediate custodian rule as described in *Padilla* applies in this case.

C. The Sixth Circuit's Decision in Roman *is Not Controlling*

Prior to the Supreme Court's decision in *Padilla*, the Sixth Circuit held that noncitizen petitioners could name the INS District Director as the respondent in collateral habeas petitions in *Roman*. The Sixth Circuit's holding in *Roman* does not control here for several reasons. First, *Roman* is inapposite because it involved an exception to a core habeas challenge that is no longer cognizable in federal district courts. Second, even if *Roman*'s analysis of an exception to the immediate control test applied in this case, it would still dictate that the Northern District of

Ohio has habeas jurisdiction over petitioner's suit.

1. *Roman* Does Not Apply

In *Roman*, a noncitizen was convicted of a federal crime in Ohio and, as a result of his conviction, an immigration judge ordered him removed and found him ineligible for any claims for relief from removal. *Roman*, 340 F.3d at 316–18. After the noncitizen served his criminal sentence at a prison in Kentucky, immigration officials transferred him to the Western District of Louisiana. *Id.* While petitioner was detained in Louisiana, he filed a habeas suit in Ohio challenging the immigration judge's conclusion that he was not eligible for relief from removal. *Id.* That is, he did not challenge the legality of his detention pursuant to his removal proceedings (likely because his criminal convictions required mandatory detention) and instead he only challenged his ineligibility to file applications for relief from removal in immigration court. *See id.* On appeal, the Sixth Circuit's "analysis [wa]s confined to the question of whether the district court erred by finding personal jurisdiction over the Attorney General" because no other challenges to the proper respondent were preserved. *Id.* at 318. In answering the one relevant question on appeal in *Roman*, the Sixth Circuit found that the Attorney General is usually not an appropriate respondent in a habeas case because the Attorney General is not a noncitizen's "immediate custodian," but indicated that the Attorney General may hypothetically

be a proper respondent in extraordinary circumstances. *See id.* at 324–27.

Shortly after the Sixth Circuit issued its decision in *Roman*, Congress stripped federal district courts of subject matter jurisdiction to hear any challenges to removal, including habeas challenges. *See* REAL ID Act of 2005, H.R. 1268, 109th Cong. (2005) (enacted), Pub. L. No. 109-13, Div. B., 119 Stat. 231, 8 U.S.C. § 1252. Consequently, the Sixth Circuit has not substantively revisited *Roman* since *Padilla* because any challenge like the one brought in *Roman* will necessarily be dismissed for lack of subject matter jurisdiction, regardless of who is named as respondent or the district in which petitioner files suit.[1] *See* 8 U.S.C. §§ 1252(a)(5), (g); *Hamama v. Adducci*, 912 F.3d 869, 877 (6th Cir. 2018) ("The district court did not have jurisdiction over Petitioners' removal-based claims").

Here, the Sixth Circuit's holding in *Roman* does not apply. As the Supreme Court explained in *Padilla*, there are two kinds of habeas challenges—those challenging current physical detention ("core" habeas challenges) and collateral

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[1] The only Sixth Circuit cases referencing *Roman* post-*Padilla* did not reaffirm the holding that an alien habeas petitioner's immediate custodian is the district director. In *Stanifer v. Brannan*, 564 F.3d 455, 458 (6th Cir. 2009), the court merely distinguished *Roman* from the case before it—a personal injury action—with respect to venue issues. In *Enriquez-Perdomo v. Newman*, 149 F.4th 623, 634 (6th Cir. 2025), the court cited *Roman* in support of its statement that "the executive branch—especially the Attorney General—plays a unique role in immigration that exceeds the executive's scope of power in the garden-variety federal criminal context." There, the court was deciding whether to imply a damages remedy under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388, 389 (1971). Neither of the cases addressed *Roman's* validity post-*Padilla*.

habeas challenges that attack "a form of 'custody' other than present physical confinement." *Padilla*, 542 U.S. at 438. The petitioner in *Roman* did not pursue a "core" habeas challenge but instead pursued a collateral habeas challenge to his removal proceedings. *See Roman*, 340 F.3d at 316. That narrow exception does not apply in this case because petitioner is challenging her current physical custody.

Petitioner's request to condition her release on a bond hearing does not change this analysis. For instance, in *Doe v. Garland*, 109 F.4th 1188, 1193 (9th Cir. 2024), as here, the petitioner sought "a writ of habeas corpus and release order from the district court unless Respondents provide him a bond hearing before an immigration judge." *Id.* The petitioner argued that because he sought a conditional process and not necessarily release, he did not raise a core habeas challenge and thus was relieved of the obligation to comply with the requirements in *Padilla*. *Id.* The Ninth Circuit found his argument "against the great weight of Supreme Court" authority as well as its own. *Id.* The court held that a conditional order of release is "typical habeas relief" and did not remove his claim from the core of habeas as defined in *Padilla*. *Id.* at 1194–95; *see also Aguilar v. Dunbar,* No. --- F.Supp.3d ----, 2025 WL 3281540, at *3 (E.D. Mich. Nov. 13, 2025) (finding a habeas petition "raises a 'core' habeas challenge because [the petitioner] seeks outright release, or at a minimum, a bond hearing to obtain his release from ICE detention."); *Darboe v. Ahrendt*, 442 F. Supp. 3d 592, 594–95 (S.D.N.Y. 2020) (finding petition seeking

release or a bond hearing was a core habeas challenge). Accordingly, petitioner here seeks core habeas relief, despite her alternative request for a bond hearing and her claim is squarely controlled by *Padilla*.

2. *Roman* Dictates that the Northern District of Ohio Has Jurisdiction Over this Case

The Supreme Court in *Padilla* and the Sixth Circuit in *Roman* generally agree about the immediate custodian rule. Both conclude that there is typically only one immediate custodian, that the immediate custodian is the warden of the facility where the petitioner is detained, that this rule does not change simply because a noncitizen is detained under a different statutory authority than a person in criminal detention, and that the rule should be administered to prevent "a regime in which several courts would have personal jurisdiction over an alien's custodians." *See Padilla*, 542 U.S. at 434–35, 437, 439, 446–47; *Roman*, 340 F.3d at 320–22.

Roman's deviation from *Padilla* was driven by the fact that it was analyzing an exception to habeas jurisdiction. As noted, the petitioner in *Roman* did not challenge his detention or seek release from custody. *See Roman*, 340 F.3d at 316–18. Instead, the petitioner in *Roman* challenged his ineligibility to file applications for relief from removal. *See id.* Therefore, because the petitioner was not asking the court to compel the warden to open the door of his cell, the Sixth Circuit was forced to apply an exception to the immediate custodian rule and employed a legal control test to do so, which led it to conclude that the proper respondent in a non-core habeas

challenge to a noncitizen's removal procedures was the local INS District Director. *See id.* at 320 (finding that INS District Director had legal authority over challenges to removal because "district directors have authority and responsibility to grant or deny various applications or petitions submitted to the [INS]").

Importantly, the Sixth Circuit's analysis of the proper forum for a habeas suit did not end with its discussion of the proper respondent in non-core habeas cases. *See Roman*, 340 F.3d at 328–29. While the Sixth Circuit concluded that the INS District Director was the proper respondent, it did not conclude that the proper venue for the petitioner's suit was the jurisdiction where the *respondent* resided. *See id.* Instead, the Sixth Circuit held that the case should be transferred to the Western District of Louisiana because the petitioner was detained there; not the Eastern District of Louisiana where the INS District Director resided. *See id.* Thus, while the Sixth Circuit in *Roman* recognized a limited exception to the immediate custodian rule in non-core habeas challenges, it did not recognize an exception to the district of confinement rule. *See id.*; *Padilla*, 542 U.S. at 449–50; *J.G.G.*, 604 U.S. 672.

Here, even if *Roman* applied, it would not support habeas jurisdiction in this district. *Roman*'s discussion of an exception to the immediate custodian rule in a different context is not relevant to this case because no exceptions to the immediate custodian rule as described in *Roman* and *Padilla* are appropriate here. *See Thompson v. Marietta Educ. Ass'n*, 972 F.3d 809, 813 (6th Cir. 2020) ("[L]ower

courts must follow Supreme Court precedent."). But, even if the Court employed the exception to the immediate custodian rule in *Roman* here and concluded that the local ICE Field Office Director was the proper respondent, it would still not establish this Court's jurisdiction because, just as the Sixth Circuit found in *Roman*, the district of confinement is the proper venue for a habeas suit, even when an exception to the immediate custodian rule applies. *See Roman*, 340 F.3d at 328–29.

Nor did *Padilla* affirm *Roman*'s holding or expand it to core habeas challenges in the oft-cited footnote eight of *Padilla*. In a footnote, the Supreme Court in *Padilla* indicated that it took no position on whether the Attorney General could ever be a proper respondent in a habeas case challenging removal and cited *Roman* for the proposition that some courts had held that the Attorney General was not a proper respondent. *See Padilla*, 542 U.S. at 435 n.8. As noted, petitioner is not challenging her removal in this case and the issue discussed in footnote eight is not relevant here, therefore, the footnote in *Padilla* cannot support the Court's jurisdiction in this case.

Moreover, with respect to persuasive authority, no other courts of appeals recognize an exception to the rule in *Padilla* when a noncitizen is challenging their custody during immigration detention. *See Doe v. Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024); *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 446 (3d Cir. 2021); *Thompson v. Barr*, 959 F.3d 476, 491 (1st Cir. 2020); *Kholyavskiy v. Achim*, 443 F.3d 946, 949–53 (7th Cir. 2006); *Vasquez v. Reno*, 233 F.3d 688, 696 (1st Cir.

2000). And well-reasoned applications of *Roman* by district courts in this Circuit have acknowledged that *Roman* does not apply in core habeas challenges. *See Aguilar,* —F. Supp.3d—, 2025 WL 3281540 (E.D. Mich. Nov. 13, 2025) (White, J.); *Rios Lopez v. Raycraft*, No. 25-14036, 2025 WL 3707303 (E.D. Mich. Dec. 19, 2025) (Murphy, J.); *Oumar v. Raycraft*, No. 25-13904, 2025 WL 3530271 (E.D. Mich. Dec. 9, 2025) (Kumar, J.); *Pena-Eusebio v. Raycraft*, No. 25-13703 (E.D. Mich.), ECF No. 11 (Leitman, J.). Therefore, while some district courts have relied on *Roman* to exercise jurisdiction over petitioners in other districts, *see, e.g.*, *Romero Garcia v. Raycraft*, No. 25-CV-13407, 2025 WL 3252286, at *2 (E.D. Mich. Nov. 21, 2025), those decisions are not persuasive because they do not faithfully apply *Padilla* and are not consistent with *Roman*'s conclusion that, even in non-core habeas challenges when a remote supervisory official can be named as a respondent, the district of confinement still possesses jurisdiction over the habeas suit. *See Roman*, 340 F.3d at 328–29.

II. The District of Confinement is the Northern District of Ohio

The "Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions" may grant writs of habeas corpus. 28 U.S.C. § 2241(a). A court's "respective jurisdiction" in the habeas context under § 2241(a) refers to a court's territorial jurisdiction. *See Schlanger v. Seamans*, 401 U.S. 487, 489 (1971). A district court's territorial jurisdiction is the area of

jurisdiction conferred upon it by statute. *See, e.g.*, 28 U.S.C. § 102(a) (describing the territorial limits of the Eastern District of Michigan).

"In habeas challenges to present physical confinement . . . the district of confinement is synonymous with the district court that has territorial jurisdiction over the proper respondent." *Padilla*, 542 U.S. at 444. "This is because . . . the immediate custodian rule applies to core habeas challenges to present physical custody." *Id.* Therefore, "[b]y definition, the immediate custodian and the prisoner reside in the same district." *Id.*; *see also J.G.G.*, 604 U.S. at 672.

Here, under a straightforward application of the habeas statute and *Padilla*, only the Northern District of Ohio has territorial jurisdiction over petitioner's habeas suit. In this suit, petitioner challenges her current physical detention under 28 U.S.C. § 2241. (*See* Pet., ECF No. 1, PageID.22–23). Petitioner has been detained in the Northern District of Ohio for the duration of this suit. (*See id.* at PageID.3; I-830, ECF No. 1-2, PageID.30). Therefore, only the Northern District of Ohio has territorial jurisdiction over petitioner's habeas suit. *See Padilla*, 542 U.S. at 442–47.

No exceptions to this rule support this Court's exercise of jurisdiction over petitioner's suit. As noted above, the Supreme Court has recognized few exceptions to the district of confinement rule and they do not apply to this case which presents

a standard challenge to detention. *See, e.g.*, *Rasul*, 542 U.S. at 475–84.

Further, as noted above, under the district of confinement rule, even if the ICE District Director is the proper respondent under *Roman*, this Court's ability to exercise territorial jurisdiction is still precluded under 28 U.S.C. § 2241. "The plain language of the habeas statute . . . confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement." *Padilla*, 542 U.S. at 443. And *Roman* acknowledged this fact when it found that jurisdiction was proper in the Western District of Louisiana because the petitioner was confined in that district and not in the district where the relevant INS District Director resided. *See Roman*, 340 F.3d at 328–29.

Notably, this Court recently reached the same conclusion in an identical case. *See Cid-Barrios v. Raycraft*, —F. Supp.3d—, No. 25-13630, 2025 WL 3724377 (E.D. Mich. Dec. 24, 2025) (Lawson, J.). In *Cid-Barrios*, the court considered whether a petitioner in immigration detention in the Western District of Michigan could pursue their habeas claim in this district. *Id.* at *1. The Court found that the proper respondent was the ICE District Director based on *Roman*. *Id.* at *4. However, it still found that the case must be transferred to the Western District because that district had jurisdiction over the district of confinement and the Western District could exercise personal jurisdiction over the ICE District Director.

Id. at *6. Therefore, the Court held that "[a]lthough regional director Raycraft is the proper respondent in this case, the only proper district in which to bring a habeas corpus petition against him is the Western District of Michigan." *Id.* Accordingly, under *Padilla*, *Roman*, and this Court's recent precedent, this matter should be dismissed or transferred to the Northern District of Ohio, regardless of who the Court determines is the proper respondent.

Conclusion

Respondents respectfully request that the Court dismiss this case or transfer it to the Northern District of Ohio because only the Northern District of Ohio has jurisdiction over petitioner's habeas suit.

Respectfully submitted,

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Date: February 2, 2026

Certificate of Service

I hereby certify that on February 2, 2026, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/s/ Zak Toomey
Zak Toomey
Assistant U.S. Attorney