UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 26-cv-847 (MJD/JFD)

IXCHELL INDIRA LEON-SILVERA, et al.,

Petitioners,

v.

PAMELA BONDI, *et al.,*

Respondents.

RESPONSE SEEKING DISMISSAL OR TRANSFER OF PETITION FOR WRIT OF HABEAS CORPUS

Respondents respectfully submit this response pursuant to the Court's briefing order. The Court should dismiss this matter for lack of jurisdiction, or transfer it to the Western District of Texas where Petitioners are currently detained and have been since before the filing of the petition. Petitioners are in the custody of U.S. Immigration and Customs Enforcement (ICE), and the agency has informed the undersigned counsel that they were transferred to the South Texas Family Residential Center (Dilley) on January 29, 2026.[1] This habeas petition was filed on January 30, 2026, the day after Petitioners had departed from Minnesota.

[1] The transfer was for bed-space reasons and not for any purpose of evading jurisdiction or forum shopping. The ICE Health Service Corps is currently not allowing any movement into or out of the Dilley facility because of a quarantine. *See* https://www.cbsnews.com-/news/ice-dilley-center-texas-measles-cases/.

ARGUMENT

I. The Court lacks jurisdiction.

For claims that "fall within the 'core' of the writ of habeas corpus," "jurisdiction lies in only one district: the district of confinement." *Trump v. J.G.G.*, 145 S. Ct. 1003, 1005-06 (2025); *see also Padilla v. Rumsfeld*, 542 U.S. 426, 434-35 (2004). As a case challenging present physical confinement, this habeas matter falls within that straightforward rule, and thus jurisdiction is not proper in the District of Minnesota.

The habeas statute provides that the proper respondent to a habeas petition is "the person who has custody over [the petitioner]." 28 U.S.C. §2242. "The consistent use [in the habeas statute] of the definite article in reference to the custodian indicates that there is generally only one proper respondent to a given prisoner's habeas petition"—the person "who has the *immediate custody* of the party detained, with the power to produce the body of such party before the court or judge[.]" *Padilla*, 542 U.S. at 434, 435 (emphasis in original). Consequently, for core habeas petitions challenging present physical confinement, "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*; *see also id*. at 444; *accord J.G.G.*, 145 S. Ct. at 1005-06. And because district courts may grant writs of habeas corpus only "within their respective jurisdictions," 28 U.S.C. § 2241(a), only the court with jurisdiction over the place of confinement has habeas jurisdiction.

Padilla's "bright-light rule" contains no exceptions except those carved out in §§ 2241(d) and 2255, which are not applicable here. 542 U.S. at 449-50. Notably, the Court

in *Padilla* could not identify "a single case in which [it] deviated from the longstanding rule" and "allowed a habeas petitioner challenging his present physical custody within the United States to name as respondent someone other than the immediate custodian and to file somewhere other than the district of confinement." *Id*. at 449-50; *see also, e.g.*, *J.G.G.*, 145 S. Ct. at 1005; *Schlanger v. Seamans*, 401 U.S. 487, 489-91 (1971) (noting that failure to comply with district of confinement rule is "fatal" to court's jurisdiction).

This approach makes sense, because the immediate custodian rule is grounded in principles of personal jurisdiction. For a district court to grant habeas relief, it "must be able to exercise personal jurisdiction over the custodian of the petitioner." *Eddine v. Chertoff*, Civ. Act. No. 07-6117, 2008 WL 630043, at *2 (D. N.J. Mar. 5, 2008). Here, the Court never acquired jurisdiction over the habeas petition in the first instance because the petition was filed in this district after Petitioners were transferred out of the district. *See, e.g.*, *Russell v. Levi*, 229 F. App'x 110, 111 (3d Cir. 2007) (affirming dismissal of petition because petitioner was confined in different district and noting "possible departure from the ordinary rule in circumstances different from those in this case, namely a prisoner transfer *after* proper filing") (citing *Padilla*, 542 U.S. at 440–41) (emphasis added).

This basic rule does not go away just because this is an immigration-related case—regardless of the type of detention at issue, petitions brought under § 2241 must be brought in the district of confinement. *See, e.g.*, *Fisenko K. v. Ray*, No. 25-cv-4654-PJS-DLM, ECF No. 17 (D. Minn. order filed Dec. 17, 2025) (transferring immigration detention petition filed in wrong district); *Garcia v. London*, 2025 U.S. Dist. LEXIS 261751, at *3 (D. Neb. Dec. 10, 2025) (transferring immigration detention petition filed in wrong district).

Because this is a jurisdictional defect, *see Padilla*, 542 U.S. at 442, the Court cannot proceed to the merits of the petition in this case.

No matter where the underlying events or omissions giving rise to a petitioner's detention occur, "the proper respondent to a habeas petition is the person who has custody over the petitioner" and "not the Attorney General or some other remote supervisory official." *Padilla*, 542 U.S. at 434-35. The fact that Petitioners' detention "originated" here does not change who their current custodian is or where that custodian is located. Even if Petitioners think there is some remote control of their detention by officials in Minnesota, the Supreme Court's decision in *Padilla* requires them to seek habeas relief against the official immediately in charge of the facility where they are currently detained.

The Supreme Court's decision in *Ex parte Endo*, 323 U.S. 283 (1944), does not change the analysis. In *Endo*, a Japanese-American filed a habeas petition in the Northern District of California, naming her immediate custodian. *Padilla*, 542 U.S. at 440. After filing, the petitioner was moved to Utah. *Id*. The Supreme Court held that "the Northern District '*acquired* jurisdiction in this case and that Endo's removal … did not cause it to lose jurisdiction where a person in whose custody she remains is within the district.'" *Padilla*, 542 U.S. at 440 (quoting *Endo*, 323 U.S. at 306). *Endo* thus stands for an "important but *limited* proposition[:] when the Government moves a habeas petitioner after she *properly* files a petition naming her immediate custodian, the District Court retains jurisdiction." *Padilla*, 542 U.S. at 441 (emphases added); *see also Anariba v. Director Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 446 (3d Cir. 2021) (*Endo* applies when a district

court "already had acquired jurisdiction over [the petitioner's] *properly* filed habeas petition that named his *then-immediate custodian*").

That narrow exception does not apply here. Petitioners never filed a proper habeas petition in the District of Minnesota during the brief period they were detained there. Rather, they filed their petition in this District *after* they were transferred. Therefore, this Court never acquired jurisdiction. Because jurisdiction never vested, there was no jurisdiction to retain under the *Endo* exception.

CONCLUSION

The habeas petition in this case alleges that venue is proper "because Petitioners are detained within the District of Minnesota." ECF No. 1 ¶ 5. Because that factual premise is flawed, the Court should dismiss the petition or, in the interests of justice, transfer it to the Western District of Texas.

Dated: February 2, 2026

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