

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

**CASE NO. 26-cv-60262-EA**

**MONTIEL FERNANDEZ JOSE DEMETRIO,**

**Petitioner,**

**v.**

**U.S. DEPARTMENT OF HOMELAND  
SECURITY, et al.,**

**Respondents.**

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**MOTION TO DISMISS OR TRANSFER ACTION**

Pursuant to Fed. R. Civ. P. 12(b)(1), Respondents respectfully move to dismiss Petitioner's Petition for a Writ of Habeas Corpus or transfer it to the Middle District of Florida. In support of this Motion, Respondents state the following:

**INTRODUCTION**

Petitioner is challenging as unlawful his detention in the custody of Immigration and Customs Enforcement at the Florida Soft Side Detention Facility in Collier, Florida, commonly known as "Alligator Alcatraz." *See* Exh. A (Detention History); *also see* Petition *generally*. Collier County is in the Middle District of Florida. *See* Federal Judicial Districts of Florida, [https://www.flsd.uscourts.gov/Federal-Judicial -Districts-Florida](https://www.flsd.uscourts.gov/Federal-Judicial-Districts-Florida).

**ARGUMENT**

The habeas statute, 28 U.S.C. § 2241 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, this Court, citing *Padilla*, has 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).

WHEREFORE, Respondents respectfully request that this habeas petition be dismissed or transferred to the Middle District of Florida, where Petitioner is currently detained.

Respectfully submitted,

**JASON A. REDING QUIÑONES**  
**UNITED STATES ATTORNEY**

By: /s/ Liviu Lungu  
LIVIU LUNGU  
SPECIAL ASSISTANT U.S. ATTORNEY  
Fla. Bar. No. 69683  
99 N.E. 4th Street  
Miami, Florida 33132  
Telephone: (305)961-9011  
Email: [Liviu.Lungu@usdoj.gov](mailto:Liviu.Lungu@usdoj.gov)