

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ALBA MARIA GUAMAN
CAIZAGUANO,

Petitioner,

Civil File No. 26-cv-886-LMP-DJF

v.

PAMELA BONDI, in her official capacity as U.S. Attorney General; KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; TODD M. LYONS, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; DAVID EASTERWOOD, in his official capacity as Field Office Director, Director of Enforcement and Removal Operations, St. Paul Field Office, U.S. Immigration and Customs Enforcement; and DORA CASTRO, in their official capacity as Warden, Otero County Processing Center,

Respondents.

**PETITIONER'S RESPONSE TO
RESPONDENTS' MOTION TO
DISMISS OR TRANSFER**

BACKGROUND

In her Petition, Mrs. Alba Maria Guaman Caizaguano ("Mrs. Caizaguano" or "Petitioner") argues that she is being unconstitutionally detained because Respondents have unlawfully subjected her to mandatory detention under 8 U.S.C. § 1225 without the possibility of a bond hearing, when Petitioner's detention should be considered under 8 U.S.C. § 1226(a), to the extent Petitioner is even properly subject to detention at all. *See* Petition, ECF 1. Petitioner requests immediate release (*see id.*, Prayer for Relief ¶ 5).

The day this action was initiated, this Court issued an Order to Show Cause directing Respondents to respond to the Petition. This Court requested that Respondents answer the Petition by addressing: (1) whether Petitioner's detention was lawful and the duration of the detention; (2) Respondent's legal justification for the detention of Petitioner; (3) whether this Court has jurisdiction over this dispute; and (4) Respondent's recommendation on whether to conduct an evidentiary hearing. ECF 3. Respondents have not addressed the Court's Order. Instead, Respondents moved to dismiss or transfer the petition on February 4, 2026. That motion solely addresses whether this Court has jurisdiction over this dispute. *See* ECF 5.

Through their Motion, Respondents summarily claim that because Petitioner is currently detained in New Mexico and was so detained when the Petition was filed, this action should be transferred to the United States District Court for the District of New Mexico. *See* ECF 5. Respondents cite no caselaw or specific authority, and instead merely gesture at 28 U.S.C. § 1406(a). *Id.* at 1. The entirety of Respondents' argument is that "[h]abeas petitions must be filed in the jurisdiction where the Petitioner is detained" such that jurisdiction in the District of New Mexico is "appropriate." *Id.* at 2. Respondents are wrong—the law is not so constrained. Petitioner's location is not dispositive where, as here, Respondents have not been forthcoming about Petitioner's location and instead have sought to move her on three separate occasions as of the filing of this Reply. This apparent gamesmanship is not justification for Respondent's continued unlawful detention of Petitioner.

ANALYSIS

District courts have the authority to grant writs of habeas corpus to any individual subjected to unconstitutional custodial confinement, including a noncitizen's individual immigration-related detention. *See Rasul v. Bush*, 542 U.S. 466, 473 (2004); *Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001). Generally, the appropriate venue for filing habeas petitions is the “district of confinement,” or in the district in which the petitioner is presently detained and the “immediate custodian” of the Petitioner is located. 28 U.S.C. §§ 2242, 2241(a); *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004).

However, the direct custodian's location does not prescribe the only correct venue. *Braden v. 30th Jud. Cir. Ct. of Ky.*, 410 U.S. 484, 494–95 (1973) (noting jurisdiction depends on the location of the “person who holds [the detainee] in what is alleged to be unlawful custody”). One exception to the general rule is “where the Government was not forthcoming with respect to the identity of the custodian and the place of detention.” *Padilla*, 542 U.S. at 454 (Kennedy, J., concurring). In such a case, the proper district in which to file the habeas petition is “in the district court from whose territory the petitioner has been removed.” *Id.* Such exceptions exist to prevent forum shopping by the Government. *Eisel v. Sec'y of the Army*, 477 F.2d 1251, 1258 (D.C. Cir. 1973) (outlining factors to consider when applying exceptions); *Xia v. King*, No. 24-2000, 2025 WL 240792, at *2 (D. Minn. Jan. 17, 2025) (recognizing exception); *Abdiselan A.A. v. Bondi*, No. 26-cv-358 (JRT/ECW), 2026 WL 161526, at *1 (D. Minn. Jan. 21, 2026) (quoting *Eisel*); *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 447–48 (3d Cir. 2021) (noting forum shopping is a greater concern when the petitioner is an ICE detainee).

The circumstances of this case fit squarely within the scope of the exceptions to the general district-of-confinement rule. Although Petitioner's location was "known" at the time of filing, it was unclear whether Petitioner would be transferred again to a different detention facility or judicial districts. Respondents themselves acknowledge they transferred Petitioner between three different judicial districts, rendering the custodian of Petitioner at any given time unknown. "The Government may not use the uncertainty created by its own actions to shop for a forum of its choosing." *Carlos D.V. v. Bondi*, No. 26-cv-521, ECF 14 at 7 (D. Minn. Jan. 29, 2026). Petitioner's counsel was not even aware when Petitioner was transferred out of Minnesota or that she was transferred to Texas before her present detainment in New Mexico. Respondents have "unilateral possession of the information regarding Petitioner's location." *Id.*

Even if this Court concludes the "unknown custodian" exception does not apply, as it did in *Carlos D.V. v. Bondi*, it is equitable to place venue in Minnesota. Convenience and appropriateness of the district are factors in considering the proper venue for habeas petitions. *Luis N. v. Trump*, No. 26-cv-0171 (MJD/SGE), ECF 8, at 3 (D. Minn. Jan. 16, 2026) (citing *Braden*, 410 U.S. at 493).

First, Petitioner resides in this District and has for over two years. Her family and legal counsel are also located here. Second, "[t]he decision to arrest and detain [Petitioner] was direct to personnel within this District, and therefore witnesses and information about the manner of [her] arrest would also be found in this District." *Jose A. v. Noem*, No. 26-cv-480 (JMB/ECW), 2026 WL 172524, at *2 (D. Minn. Jan. 22, 2026). Third, transferring venue would prolong Petitioner's unlawful detention and the

adjudication of her claims. *Id.*; *Flores Linares v. Bondi*, No. 26-cv-298 (SJB), 2025 WL 179208, at *5 (E.D.N.Y. Jan. 22, 2026) (similarly involving petitioner's arrest and detention in one district, immediate transfer to another, yet a habeas filing in the first district); *see also Jose V. v. Easterwood*, No. 26-cv-597 (DSD/LIB), 2026 WL 222175, at *1 (D. Minn. Jan. 28, 2026) (involving venue finding and order for immediate transfer back to Minnesota). Fourth, the custodian can be reached by service of process, allowing for the Court's issuance of a writ within this jurisdiction. *Braden*, 410 U.S. at 495. Finally, divesting this Court of jurisdiction through the transfer of detainees to out-of-state facilities without their consent would encourage forum shopping. *Id.* at *2; *Sue H. v. Trump*, No. 26-cv-416, ECF 3, at 2 (D. Minn. Jan. 20, 2026). The unpredictability of Petitioner's detention location at any given time weighs in favor of finding Minnesota—the district of initial arrest and detention—the proper venue.

CONCLUSION

For the reasons discussed above, Petitioner respectfully requests that the Court accept jurisdiction, grant the habeas petition, order the return of Petitioner to the State of Minnesota, and order Petitioner released.

Dated: February 5, 2026

DORSEY & WHITNEY LLP

By s/ Jack Huerter

Sonja Smerud (#0504709)

smerud.sonja@dorsey.com

Jack Huerter (#0399277)

huerter.jack@dorsey.com

Sam Audley (#0401766)

audley.samuel@dorsey.com

50 South Sixth Street, Suite 1500

Minneapolis, MN 55402

Telephone: (612) 340-2600

Attorneys for Petitioner