

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-912-NEB-EMB

Neri Ronaldo Castro,

Petitioner,

RESPONSE

v.

Pamela Bondi, *et al.*,

Respondents.

This case does not belong in Minnesota. Petitioner Neri Ronaldo Castro affirmatively alleged that he was not detained in the District of Minnesota when he filed this habeas action. Petition ¶ 7. In fact, Petitioner was in Texas beforehand and is still there today. Because Petitioner's immediate custodian is in Texas, that is where this petition needs to be adjudicated.

It is a basic rule of habeas litigation "that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement." *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). The petition here is not one that had to be filed in the district of arrest because he (or counsel) was unable to figure out the district of confinement or because the district of confinement kept changing rapidly. Castro simply picked the wrong court. Accordingly, Respondents Pamela Bondi, Kristi Noem, Todd Lyons, and David Easterwood (collectively, "the Federal Respondents"), this Court should dismiss the petition or transfer it to the United States District Court for the Western District of Texas under 28 U.S.C. § 1406(a). In the alternative, this Court should deny the Petition because Petitioner is properly detained under 8 U.S.C. § 1225(b).

BACKGROUND

The Federal Respondents draw the following background from the petition.

Castro is a citizen and national of El Salvador, who entered the United States without permission or inspection in 2021. Pet. ¶ 13. Petitioner was processed at the time and given a Notice to Appear in Removal Proceedings. Declaration of Ana H. Voss, Exs. 1-2. Petitioner does not allege that he has any pending claim for relief from removal. *See generally* Petition; *see also* Voss Decl., Ex. 2 (noting that Petitioner did not express a fear of return at the time of his unlawful entry). Petitioner was arrested by officers with the U.S. Immigration and Customs Enforcement (“ICE”) on January 29, 2026.

Petitioner was moved to Texas after his arrest. Pet. ¶ 7. Agency records show Petitioner was booked into El Paso on January 30, 2026, the day before filing this Petition and before this Court entered its order to show cause. The move was a legitimate law enforcement operational decision due to lack of bed space available locally. Declaration of Tauria Rich ¶ 6. These decisions are made quickly to minimize the amount of time any individual must wait in a holding area. *Id.* The decisions are not made to frustrate this Court’s jurisdiction, and multiple checks are made before any individual is transferred to comply with Court orders. *Id.* ¶¶ 9-10.

The Petition makes clear that Petitioner’s whereabouts were known at the time the Petition was filed.

ARGUMENT

The Court should either dismiss this case or transfer it to the Western District of Texas (where the El Paso facility is located). Only one judicial district has jurisdiction to

adjudicate a habeas petition challenging a person's physical confinement: the district of confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). That rule does not change in immigration actions—regardless of the type of detention at issue, petitions brought under § 2241 must be brought in the district of confinement. *See, e.g., Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (per curiam) (“The detainees are confined in Texas, so venue is improper in the District of Columbia.”); *Lauro T.G. v. Noem*, No. 26-cv-0581-NEB-DJF, ECF No. 12 (D. Minn. order filed Jan. 30, 2026) (transferring immigration detention petition filed in wrong district); *Fisenko K. v. Ray*, No. 25-cv-4654-PJS-DLM, ECF No. 17 (D. Minn. order filed Dec. 17, 2025) (same); *Garcia v. London*, 2025 U.S. Dist. LEXIS 261751, at *3 (D. Neb. Dec. 10, 2025) (same). Petitioner did not follow this rule, which was a jurisdictional mistake. *See Padilla*, 542 U.S. at 442. A Minnesota federal court cannot adjudicate the merits of the petition challenging detention in Texas, so the habeas action should be dismissed or transferred.

None of the statutes points to 28 U.S.C. §§ 1391(b) and 1391(e)(1)(A)-(B) authorize filing a habeas action outside the district of confinement. And, none of them justify keeping this case in Minnesota. Section § 1391, for example, is the venue statute for standard civil actions. This is *not* a standard civil action; it is a habeas case. The initiating document is a “Verified Petition for Writ of Habeas Corpus,” he paid a \$5 habeas filing fee rather than the standard civil filing fee, hhe invoked 28 U.S.C. § 2241, and the primary relief she sought was release from custody. Just a few days ago, this Court explained why petitioners cannot rely on § 1391 when deciding where to file habeas actions:

Lauro T.G. relies on 28 U.S.C. Section 1391(e), which establishes venue rules for civil actions. But Lauro T.G. did not bring a standard civil action; he brought a habeas petition. Habeas forum-location rules are found in 28 U.S.C. Section 2241, which provides that district courts may grant habeas relief “within their respective jurisdictions.” 28 U.S.C. § 2241(a).

Lauro T.G., ECF No. 12, at 3. Thus, Petitioner’s attempt to lay venue in Minnesota under the auspices of § 1391 is a non-starter.

Second, this case does not present circumstances under which the Court has denied motions to transfer similar habeas actions. A good example is *Aleksander B. v. Trump*, where the petitioner was arrested on January 9, transferred on January 10, and filed a habeas petition on January 11. 2026 U.S. Dist. LEXIS 11465, at *2 (D. Minn. Jan. 22, 2026). The petition in *Aleksander B.* alleged that the petitioner’s “last known whereabouts were Fort Snelling,” and the factual record showed that the petitioner had been repeatedly moved unbeknownst to his family and counsel. *Id.* at *3 (internal quotation marks omitted). It was not until several days after the habeas petition was filed that the petitioner’s family and counsel learned he had been moved out of Minnesota. *Id.* at *4. Given those facts, this Court decided to apply an exception to *Padilla*’s venue rules and adjudicate the petition in Minnesota. *Id.* at *7-9.

This case is quite different. Petitioner filed this habeas action after arrest and transfer to Texas. Petitioner’s counsel knew where he was and could have filed a habeas petition in the district of confinement. Pet. ¶ 7. That puts Petitioner in the same situation as the petitioner in *Lauro T.G.* ECF No. 12, at 5-6; e.g. Slip Op., *Angel A. v. Lyons*, No. 26-cv-0777 (SRN/ECW) (D. Minn. Feb. 2, 2026) (ECF 7)(transferring case to New Mexico where it was clear Petitioner was in New Mexico before filing).

This is simply not a case where Petitioner can argue “that the Government concealed his whereabouts from counsel, much less . . . that such concealment was the basis for habeas jurisdiction” in Minnesota. *Padilla*, 542 U.S. at 449 n.17. It is also worth emphasizing that notwithstanding decisions like *Aleksander B.*, the Supreme Court expressed skepticism that a “concealed by the government” allegation would be a valid reason to override basic habeas venue rules. *Id.* No matter here—Rocha Quispe’s petition does not make that sort of allegation. Thus, *Aleksander B.* and recent decisions like it do not justify keeping this case in Minnesota.

Third, and related, Petitioner’s opposition to this motion will presumably point to language in recent decisions from this Court stating that habeas jurisdiction attaches at the time of a petitioner’s apprehension. But like *Aleksander B.*, those decisions tend to involve compressed timelines that are not present here. And they are difficult to square with binding Supreme Court precedent. *Padilla* announces two straightforward venue points for habeas actions: (1) they must be brought against the petitioner’s immediate physical custodian; and (2) they must be filed in the district of confinement. *Padilla*, 542 U.S. 426, 434-36, 442-43.

It is ultimately not necessary to square *Padilla* with decisions from this Court holding that jurisdiction attaches at the time of apprehension because they can all co-exist. This case shows how. Petitioner was arrested in Minnesota on January 29, and habeas jurisdiction “attached” at that point. He could have filed a petition here, and any post-filing transfer out of Minnesota would not have defeated jurisdiction. *See Weeks v. Wyrick*, 638 F.2d 690, 692 (8th Cir. 1981) (“Once the custodian is properly served, subsequent transfer

of the petitioner does not cause a loss of habeas corpus jurisdiction in the original district.”). But after Petitioner moved (and after his attorneys learned of the move and had a reasonable time to find him), any habeas petition needed to be filed in Texas. This Court certainly has not overridden binding Supreme Court precedent by creating a new rule that habeas jurisdiction will *forever* exist in Minnesota just because a petitioner is initially arrested here. To the extent Petitioner asks the Court to create such a rule, that request must be denied as inconsistent with *Padilla*.

The issue in this motion is simple, and the result should be straightforward. A habeas petition challenging the lawfulness of a petitioner’s present physical confinement must be filed in the district of confinement. For Petitioner, that district is the Western District of Texas.

II. In the alternative, this Court should deny the Petition.

The Federal Respondents acknowledge that these aspects of the petition raise legal and factual issues similar to those in prior habeas petitions that this Court has decided. The Federal Respondents also acknowledge that many judges in this District conclude the absence of a warrant preceding a petitioner’s arrest necessitates immediate release. Those issues are currently before the Eighth Circuit on expedited review in *Avila v. Bondi*, No. 25-3248 (8th Cir. docketed Nov. 10, 2025). For purposes of expediting these proceedings, the Federal Respondents assert all arguments raised by the government in *Avila*, preserve those arguments for any appeal in this case, and respectfully request that the Court deny Petitioner’s habeas petition

CONCLUSION

Jurisdiction to adjudicate this habeas petition lies in Texas, where Petitioner is detained and where Petitioner's immediate physical custodian is located. Because venue is improper in Minnesota, this Court must dismiss the petition or transfer it to the Western District of Texas. The Federal Respondents suggest that a transfer—rather than outright dismissal—will best serve “the interest of justice.” 28 U.S.C. § 1406(a).

Dated: February 2, 2026

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