

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LUIS GUILLERMO AROCA ORTIZ,

Plaintiff,

v.

KRISTI NOEM, *et al*,

Defendants.

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Civil Action No. 4:25-cv-6274

**MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

The Defendants, by and through the undersigned counsel, in accordance with Rule 12(b)(1) of the Federal Rules of Civil Procedure, move the Court for dismissal of Plaintiff's Complaint for lack of subject matter jurisdiction.

This Court has reviewed Plaintiff's Complaint and "construes Plaintiff's Complaint as a petition for writ of habeas corpus". Dkt. 6 at 2. Plaintiff has alleged that he is currently detained at the Eden Detention Center in Eden, Texas. Dkt. 1 at ¶ 1; Dkt. 1-2. Eden, Texas is located in Concho County, Texas. *See* <https://www.txnd.uscourts.gov/city-data/concho-county>.

Jurisdiction over a habeas petition challenging present physical confinement lies only in the district of confinement. *Castro v. Garland*, No. 7:22-0001, 2022 U.S. Dist. LEXIS 34666, at \*3 (S.D. Tex. Jan. 25, 2022) ("the proper jurisdiction to review a writ of habeas corpus contesting physical custody by the federal government is the location of that individual and the detention facility."); *See also Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004).

As the Plaintiff is not being confined, by his own admission, in the Southern District of Texas, this Court lacks jurisdiction over this matter. Therefore, the Defendants request that the Court grant this motion and dismiss the Complaint with prejudice.

Respectfully submitted,

NICHOLAS J. GANJEI  
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By: /s/ Christina Cullom  
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**CERTIFICATE OF SERVICE**

I certify that on January 20, 2026, the foregoing was filed and served on counsel of record through the Court's CM/ECF system.

/s/ Christina Cullom  
Christina Cullom  
Assistant United States Attorney