

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LUIS GUILLERMO AROCA ORTIZ,
Plaintiff,

v.

KRISTI NOEM, Secretary of the Department
of Homeland Security, et al.,
Defendants.

Civil Action No. 4:25-cv-6274

**PLAINTIFF'S MOTION TO TRANSFER VENUE AND
RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

TO THE HONORABLE JUDGE ELLISON:

COMES NOW Plaintiff, Luis Guillermo Aroca Ortiz ("Mr. Aroca-Ortiz"), by and through his undersigned Counsel, and respectfully moves this Court to transfer this habeas corpus proceeding to the proper judicial district in the Northern District of Texas San Angelo Division pursuant to 28 U.S.C. §§ 1406(a) and 1631, on the basis that Plaintiff is currently detained at Eden Detention Center in Eden Texas, which lies within that Court's jurisdiction. In support, Plaintiff states as follows:

1. Mr. Aroca-Ortiz is a native and citizen of Venezuela who filed this Complaint to challenge his detention by U.S. Immigration and Customs Enforcement ("ICE") at the Eden Detention Center. On January 4, 2026, the Court issued an Order for Answer, ostensibly construing this lawsuit as a habeas petition under 28 U.S.C. § 2241. *See* ECF No. 4.

2. As reflected in the ICE Online Detainee Locator, Mr. Aroca-Ortiz is now confined at the Eden Detention Center, 702 E. Broadway, Eden, Texas 76837, which lies within the San Angelo Division of the Northern District of Texas. *See* ECF No. 1-2.

3. Because the Court has construed Mr. Aroca-Ortiz's lawsuit as a habeas petition, and because he is not confined in the Southern District of Texas, Houston Division, venue does not lie with this Court. Therefore, instead of ordering dismissal, the Court should transfer this case to the appropriate venue is the United States District Court for the Northern District of Texas, San Angelo Division, which encompasses Mr. Aroca-Ortiz's place of detention, which lies within Concho County.

4. Under 28 U.S.C. § 2241(a), federal courts may grant writs of habeas corpus "within their respective jurisdictions." The Supreme Court in *Rumsfeld v. Padilla*, 542 U.S. 426, 442–47 (2004), and the Fifth Circuit in *Lee v. Wetzel*, 244 F.3d 370, 373 (5th Cir. 2001), have held that the proper respondent to a habeas petition is the warden of the facility where the Plaintiff is physically confined, and the proper venue is the district of confinement.

5. The Northern District of Texas has repeatedly applied this rule in immigration detention cases. As explained in *Allahham v. Rice*, No. 2021 U.S. Dist. LEXIS 217444 at 5 (N.D. Tex. Oct. 15, 2021), when an immigration detainee petitioning for a writ of habeas corpus is confined outside the district in which he files a Section 2241 petition, that court lacks jurisdiction and the petition should be transferred to the district of confinement. *See also Middlebrooks v. Smith*, 735 F.2d 431, 432 (11th Cir. 1984) (held that "Section 1631 is analogous in operation to 28 U.S.C. §§ 1404(a) and 1406(a).").

6. The *Allahham* court emphasized that, under the analysis employed by the courts in *Padilla* and *Lee*, "[w]henver a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement." *Id.* at 4-5.

7. Although the lawsuit was initially filed in this District, Mr. Aroca-Ortiz's custody

in the facility in another district renders continued litigation here impractical. *See Griffin v. Ebbert*, 751 F.3d 288, 290 (5th Cir. 2014) (“Jurisdiction attached on the initial filing for habeas corpus relief, and it was not destroyed by the transfer of petitioner and accompanying custodial change.”). Nevertheless, federal courts routinely exercise discretion to transfer the case “to any district or division in which it could have been brought” in the interests of justice. *See* 28 U.S.C. § 1406(a); *see also* 28 U.S.C. § 1631.

8. Given that Plaintiff is detained in Eden, which lies within the geographic area corresponding to the Northern District of Texas, San Angelo Division, and transfer to that district, which will have both jurisdiction over his immediate custodian and ready access to the relevant ICE and facility personnel, will serve judicial efficiency and the interests of justice, rather than dismissal and re-filing of this case.

CONCLUSION & PRAYER

WHEREFORE, Plaintiff respectfully prays that the Court enter an order changing venue to the San Angelo Division of the Northern District of Texas as soon as possible.

DATE: February 2, 2026.

Respectfully submitted,

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By: /s/ John M. Bray

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on this day, I served a true and correct copy of the above and foregoing *Plaintiff's Motion to Transfer Venue*, as well as any and all attachments thereto, on Counsel for Defendants by serving the same via email to Mr. Shannon Henson, Assistant U.S. Attorney for the Southern District of Texas via Shannon.Henson@usdoj.gov and/or by filing the same using the CM/ECF system.

/s/ John M. Bray
John M. Bray
Attorney for Plaintiff

DATE: February 2, 2026

CERTIFICATE OF CONFERENCE

Because the above motion was filed in response to Defendants' Motion to Dismiss, Defendants are presumed to opposed to the relief requested herein.

/s/ John M. Bray
John M. Bray
Attorney for Plaintiff

DATE: February 2, 2026