



U.S. Department of Justice

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BY ECF

Honorable Evelyn Padin, U.S.D.J.
Martin Luther King Bldg. & U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

**Re: *Espinoza v. Bondi, et al.*, No. 25-436
Request for Dismissal or Transfer**

Dear Judge Padin:

This Office represents Respondents in this habeas matter filed by a noncitizen challenging the legality of his detention by U.S. Immigration and Customs Enforcement ("ICE") under 8 U.S.C. § 1225(b)(2). On January 15, 2026, the Court entered a Text Order requiring Respondents to provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) within seven days or to file an expedited answer within five days, by today, if Respondents contend that Petitioner's detention is distinguishable from the cases in the District of New Jersey previously addressing § 1225. ECF 2. We respectfully request that the Court dismiss the Petition for lack of jurisdiction. Alternatively, Respondents respectfully request the Court transfer this petition to the Southern District of Georgia.

Petitioner filed this matter on January 14, 2026. ECF 1. At the time of filing, Petitioner claimed he was being detained at Irwin County Detention Center, 132 Cotton Drive, Ocilla, GA 31774. Pet. ¶ 1. Petitioner also identified David Paulk, the Warden of Irwin County Detention Center, as a respondent. ICE informed this Office that Petitioner was transferred out of Delaney Detention Hall on December 14, 2025, and ICE has detained Petitioner at the Folkstone D. Ray Processing Center in Folkston, Georgia, since December 17, 2025. Thus, it is undisputed that Petitioner was not located in New Jersey at the time of filing.¹

¹ If the Court requires a declaration from ICE as to Petitioner's current location, Respondents respectfully request one-week to coordinate with ICE and provide the Court with that declaration.

As a threshold matter, the Court should dismiss or transfer the Petition because it lacks jurisdiction over it for two reasons. First, Petitioner filed suit in the wrong district. Second, Petitioner does not name the proper custodian.

There are two components to habeas jurisdiction. The petitioner must file the Petition in the district of confinement and name his immediate custodian. *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 441 (3d Cir. 2021) (requiring petitioner to “name his warden as respondent and file the petition in the district of confinement”) (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004)). “The *Padilla* district of confinement and immediate custodian rules are firmly entrenched in the law of this and other circuits.” *Doe v. Garland*, 109 F.4th 1188, 1192 (9th Cir. 2024) (collecting cases).

As to the district of confinement, “jurisdiction lies in only one district: the district of confinement.” *Padilla*, 542 U.S. at 443. It is “synonymous with the district court that has territorial jurisdiction over the proper respondent.” *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 445 (3d Cir. 2021) (quoting *United States v. Poole*, 531 F.3d 263, 273 (4th Cir. 2008)). Put differently, “the only federal court that can properly entertain a habeas petition is one located in the ‘district in which the applicant is held[.]’” *Doe v. Garland*, 109 F.4th 1188, 1198 (9th Cir. 2024) (quoting 28 U.S.C. § 2242).

As to the immediate custodian, “the default rule” is “that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official,” *Padilla*, 542 U.S. at 435; that is, the person who has “immediate custody” of the petitioner, *id.* at 434-35 (citing *Wales v. Whitney*, 114 U.S. 564, 574 (1885)). The proper respondent is, in other words, the “person who has the *immediate custody* of the party detained, with the power to produce the body of such party before the court or judge[.]” *Id.* at 435 (emphasis in original).²

Applying these principles here, this Court should dismiss the Petition for lack of jurisdiction.³ See *Khalil v. Trump*, No. 25-2162 (3d Cir. Jan. 15, 2026). Here, Petitioner is not confined in the District of New Jersey now, and he was not confined here when his counsel filed the Petition. Instead, he was in Georgia. Moreover,

² Although *Padilla* addressed a habeas petition in the prisoner context, the Third Circuit has applied the “district of confinement” and “immediate custodian” rules in the immigration context. See *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 444 (3d Cir. 2021) (“Whenever a § 2241 habeas petitioner seeks to challenge present physical custody within the United States, he [or she] should name his [or her] warden as respondent and file the petition in the district of confinement” (citation omitted)). So did numerous courts within this District. See, e.g., *Eddine v. Chertoff*, No. 07-6117(FSH), 2008 WL 630043, at *2 (D.N.J. Mar. 5, 2008).

³ Alternatively, the Court should transfer the Petition to the Southern District of Georgia, where ICE is currently detaining Petitioner.

Petitioner's immediate custodian is now the Warden of the Folkstone D. Ray Processing Center in Folkston, Georgia, who is not a named respondent. As a result, the Petition does not name the proper custodian and was not filed in the district of confinement. This Court should dismiss the Petition for lack of habeas jurisdiction. *See, e.g., Glover v. City of Philadelphia*, No. 24-1479, 2024 WL 3272912, at *1 (3d Cir. July 2, 2024) (affirming dismissal for lack of habeas jurisdiction because the petitioner was not in custody); *see also Ozturk v. Trump*, 779 F. Supp. 3d 462, 471 (D. Vt 2025) (citing the Supreme Court and noting that jurisdiction lies in only one district: the district of confinement.)

This matter is distinguishable from Judge Hayden's decision in *Rivera Zumba*, where the court found it had jurisdiction when the petitioner was at a stopover airport in another district. *Rivera Zumba v. Bondi*, No. 25-CV-14626 (KSH), 2025 WL 2476524, at *7 (D.N.J. Aug. 28, 2025). There, the petitioner filed the petition in the District of New Jersey when the petitioner was in Maryland. *Id.* But, the court held, petitioner was merely at an airport in Maryland for about 70 minutes, where no one was her custodian at an ICE facility, and she had not yet reached the detention center in California. *Id.* Unlike that case, here, Petitioner was in the district of confinement (the Southern District of Georgia) for more than 30 days. Thus, the Court should dismiss the Petition for lack of jurisdiction or transfer the Petition to the Southern District of Georgia.

We thank the Court for its attention to this matter.

Respectfully submitted,

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