

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 26-CV-20541-SINGHAL

ALOIS CAPOTE ZAMORA,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Defendant.

RESPONDENTS' MOTION TO TRANSFER VENUE

Pamela Bondi, in her official capacity as Attorney General of the United States, et. al., (Respondents) respectfully file this Motion to Transfer Venue maintaining that Alois Capote Zamora's (Petitioner) Verified Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Petition) should be transferred to the District of Colorado, where Petitioner is, and has been detained since the date of his Petition's filing, or in the alternative dismissed.

I. FACTS

The pending habeas petition was filed in the Southern District of Florida after Petitioner was taken into custody at the Aurora ICE Processing Center, in Aurora, Colorado on December 10, 2025. (ECF No. 1). Petitioner has remained at that location ever since. (See Attached ERO Declaration and Detention History) Aurora lies within the jurisdiction of the District of Colorado. Petitioner's immediate custodian is Warden Juan Baltasar.

II. ARGUMENT

Section 2441 allows "the [U.S.] Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C.

§ 2441(a). The Supreme Court has interpreted the “within their respective jurisdiction language to mean that a Section 2441 petitioner challenging his present physical custody must file a petition for writ of habeas corpus in the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 446-47 (2004); *see also United States v. Kinsey*, 393 Fed. Appx. 663, 664 (11th Cir. 2010) (“Petitions under § 2241 may be brought only in the district in which the inmate is incarcerated.”); *United States v. Lassiter*, 812 Fed. Appx. 896, 900 (11th Cir. 2020) (“under the plain language of § 2241, jurisdiction lies in only one district: the district of confinement.”).

Here, the Petitioner is detained at the Aurora ICE Processing Center, which lies within the District of Colorado. Thus, the Southern District of Florida is not the proper venue for Petitioner’s writ of habeas corpus and the Court lacks jurisdiction to review this matter. *See Martinez v. Dep’t of Homeland Sec.*, 20-cv-22688-Moore, 2020 U.S. Dist. LEXIS 136494, *2 (S.D. Fla. July 30, 2020) (“petitioner challenges his present physical confinement and is housed in the Middle District of Florida....Therefore, the Court lacks jurisdiction to review the Petition, and the case should be transferred to the Middle District of Florida.”); *St. Louis v. Martin*, 20-CV-21670-Moreno, 2020 U.S. Dist. LEXIS 81782, *2 (S.D. Fla. May 6, 2020) (“the case is dismissed without prejudice to refile in the proper district, the Middle District of Florida, where the Petitioners are detained at the Glades County Detention Center in Moore Haven, Florida.”); *Martinez v. Hardin*, 18-CV-20302-Altonaga, 2018 U.S. Dist. LEXIS 14442, *3 (S.D. Fla. Jan. 26, 2018), *aff’d*, 2018 U.S. Dist. LEXIS 16587 (S.D. Fla., Jan. 29, 2018) (“Petitioner is confined at the Glades County Detention Center, which is located in the Middle District of Florida. Therefore, ... venue is not proper in the Southern District of Florida.”); *Dolme v. Barr*, No. 20-24106-CV-Altman, 2020 U.S. Dist. LEXIS 197596, *2 (S.D. Fla. Oct. 21, 2020) (“jurisdiction for § 2241 petitions lies only in the district of confinement.”); *Salgado-Garcia v. Immigration & Customs Enf’t*, 18-CV-24710- Cooke, 2018

U.S. Dist. LEXIS 195923, *1 (S.D. Fla. Nov. 15, 2018) (“[F]or core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.”).

Accordingly, Respondents respectfully request that this matter either be transferred to the District of Colorado where Petitioner is currently detained, or in the alternative dismissed.

Good Faith Certificate Pursuant to Local Rule 7.1(a)(3)

The undersigned conferred by email with Petitioner’s Counsel, who opposes the relief sought in this motion.

Respectfully submitted,

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