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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10  
11 SUREN PINACHYAN,

12 Petitioner,

13 v.

14 WARDEN, OTAY MESA DETENTION  
CENTER, *et al*,

15 Respondents.  
16

Case No.: 26-cv-01335-JO-JLB

RETURN TO PETITION

17 The petition in this case should be dismissed or transferred. District courts are  
18 limited to granting habeas relief “within their respective jurisdictions.” 28 U.S.C. §  
19 2241(a). For habeas petitions challenging present physical confinement, venue is  
20 appropriate only in the district in which a petitioner is confined, as “the district of  
21 confinement is synonymous with the district court that has territorial jurisdiction over  
22 the proper respondent” because “[b]y definition, the immediate custodian and the  
23 prisoner reside in the same district.” *Rumsfeld v. Padilla*, 542 U.S. 426, 444 (2004).  
24 “The rule that the proper venue for a challenge to present physical custody lies only in  
25 the district of confinement is based on the requirement that the court issuing the writ  
26 have jurisdiction over the entity capable of effecting the relief sought in the petition; in  
27 the context of a challenge to physical custody, that entity is the petitioner’s custodian.”  
28 *Ramirez v. United States*, No. 108CV00633OWWJMDHC, 2009 WL 2044782, at 3

1 (E.D. Cal. July 9, 2009); *see, e.g., Braden v. 30th Judicial Circuit Court*, 410 U.S. 484  
2 (1973) (“The important fact to be observed in regard to the mode of procedure upon [a  
3 writ of habeas corpus], that it is directed to, and served upon . . . [the] jailer . . .  
4 compelling the oppressor to release [the petitioner’s] constraint”). In order to determine  
5 the proper venue for a petition under 28 U.S.C. § 2241 the court must first determine  
6 which district has jurisdiction over the entity capable of effecting  
7 relief. *See Padilla*, 542 U.S. at 445–47 (discussing requirement that district court have  
8 jurisdiction over proper respondent capable of effecting relief in order to entertain  
9 petition); *see also Wheeler v. United States*, 640 F.2d 1116, 1121 n. 7 (9th  
10 Cir.1998) (stating that a court must have a respondent over whom it can assert  
11 jurisdiction in order to entertain a habeas petition).

12 In attempting to respond to the petition filed in this case on March 2, 2026, it was  
13 discovered that Petitioner had already been transferred to the Pine Prairie Immigration  
14 and Customs Enforcement (ICE) Processing Center in Pine Prairie, Louisiana on March  
15 5, 2026. Here, where the sole respondent named in this case is not Petitioner’s  
16 immediate custodian, and where the Court lacks jurisdiction over the entity capable of  
17 affecting the relief sought, venue is not proper in the Southern District of California.  
18 Because the habeas petition is not in a proper venue, the Court may either dismiss the  
19 petition or transfer it to the correct venue, if transfer is “in the interest of justice.” *See*  
20 28 U.S.C § 1406(a).

21 DATED: March 19, 2026

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