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9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 FELIPE ANTONIO CARDOSO-
13 MARTINEZ,

14 Petitioner,

15 v.

16 KRISTI NOEM, Secretary of the
17 Department of Homeland Security,
18 PAMELA JO BONDI, Attorney General,
19 TODD M. LYONS, Acting Director,
20 Immigration and Customs Enforcement,
21 JESUS ROCHA, Acting Field Office
22 Director, San Diego Field Office,
23 CHRISTOPHER LAROSE, Warden at
24 Otay Mesa Detention Center,

25 Respondents.

CIVIL CASE NO.: 26-cv-1476-TWR

**Supplemental Brief
in Support of
Petition for a Writ
of Habeas Corpus**

26 On March 25, 2026, the government notified counsel that Mr. Cardoso-
27 Martinez was transferred out of OMDC at 11:11AM on March 9, while counsel
28 filed Mr. Cardoso-Martinez's petition at 11:18AM on March 9. Mr. Cardoso-
Martinez anticipates that the parties will dispute whether this Court has jurisdiction
to resolve the petition. Because this Court may wish to review relevant precedent
before the hearing, Mr. Cardoso-Martinez provides this supplemental briefing. He
will argue that because was undoubtedly still in the Southern District of California
in the 7 minutes after he left OMDC, this Court retains jurisdiction.

1 “The Supreme Court has made clear ‘the general rule that for core habeas
 2 petitions challenging present physical confinement, jurisdiction lies in only one
 3 district: the district of confinement.’” *Ozturk v. Hyde*, 136 F.4th 382, 391 (2d Cir.
 4 2025) (quoting *Rumsfeld v. Padilla*, 542 U.S. 382, 443 (2004)). “At the time the
 5 petition was filed, that ‘one district’ was the [Southern] District of [California],
 6 where [Mr. Cardoso-Martinez] was in transit to an ICE facility for the night.” *Id.*
 7 The Southern District of California “is therefore the *only* district in which the
 8 petition could have been brought at the time it was filed.” *Id.*; accord *Makuiza v.*
 9 *Wesling*, No. 2:26-CV-000044-LEW, 2026 WL 252400, at *2 n.5 (D. Me. Jan. 30,
 10 2026) (“[T]he record indicates that Petitioner was in Maine, albeit in transit, when
 11 the Petition was filed, as it takes close to 45 minutes to travel overland from
 12 Scarborough to Portsmouth, New Hampshire. This fact supports a finding that this
 13 Court has jurisdiction to award relief in this matter.”).

14 Furthermore, Mr. Cardoso-Martinez named the proper respondents, the ICE
 15 director and field office director. “[W]ho, if it was not [them], had immediate
 16 custody of [Mr. Cardoso-Martinez] in transit[?]” *Id.* at 393. It certainly could not
 17 have been the warden at the new facility, as he had not yet arrived there. Any such
 18 conclusion would be “at odds with the straightforward rule set out in *Padilla* that
 19 the proper respondent to a habeas petition is ‘the person with the ability to produce
 20 the prisoner’s body before the habeas court.’” *Id.* at 393 n.3 (quoting *Padilla*, 542
 21 U.S. at 435). “Thus, either the custodian was [the ICE directors], whom the petition
 22 named, or it was not [them] and the custodian remains unknown.” *Id.* at 393. And
 23 if the custodian is unknown, “the naming of a more remote custodian—here, the
 24 Secretary of Homeland Security—satisfies the statutory requirements.” *Id.* at 392;
 25 accord *Moreira Aguiar v. Moniz*, No. 1:25-CV-12706-IT, 2025 WL 2987656, at *3
 26 (D. Mass. Oct. 22, 2025) (adopting *Ozturk* rule).

27 Finally, many courts have held that even if the petitioner physically leaves
 28 the jurisdiction, a petitioner in transit—when counsel had no way to find out about

1 where and when the petitioner was being transferred at the time of filing—can
 2 either invoke the unknown custodian rule or name the warden of the originating
 3 facility. *Tacuri ex rel. Guanoluisa v. Francis*, No. 25-CV-07012 (JAV), 2025 WL
 4 3459377, at *4 (S.D.N.Y. Dec. 2, 2025) (adopting “[a] rule that the last-known
 5 place of detention is the district of confinement when a detainee is in air transit at
 6 the time of filing”); *Adriana M.Y.M. v. Easterwood*, No. 26-213 (JWB/JFD), 2026
 7 WL 184721, at *2 (D. Minn. Jan. 24, 2026 (applying the unknown custodian rule
 8 where “[n]othing in the record reflects that Respondents disclosed Petitioner’s
 9 transfer in advance, allowed for communication with counsel, or otherwise
 10 conveyed Petitioner’s whereabouts at the time of filing”); *Suri v. Trump*, No. 25-
 11 1560, 2025 WL 1806692, at *6 (4th Cir. July 1, 2025) ([I]f the government moves
 12 a detainee from a district and their attorney cannot discover their location with
 13 reasonable inquiry, that attorney must be able to file a habeas petition in the
 14 detainee’s last-known location against their ultimate custodian.”); *Flores-Linares v.*
 15 *Bondi*, No. 26-CV-00298-SJB, 2026 WL 179208, at *3 (E.D.N.Y. Jan. 22, 2026)
 16 (refusing to conduct a “minute-by-minute, second-by-second evaluation” when
 17 deciding on the district of confinement).

18 That result makes even more sense here, because Mr. Cardoso-Martinez had
 19 not in fact left the jurisdiction—he had left only the facility, and only seven minutes
 20 before filing. Counsel had no way to find out within those 7 minutes that
 21 Mr. Cardoso-Martinez was no longer there. Jurisdiction is therefore proper, and this
 22 Court must grant the petition.

23
 24 Respectfully submitted,

25
 26 Dated: March 25, 2026

s/ Katie Hurrelbrink

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