

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 26-21661-CIV-LEIBOWITZ

YOSVANY CABRERA,

Petitioner,

v.

PAMELA JO BONDI, U.S. Attorney
General, *et al.*,

Respondents.

MOTION TO DISMISS OR TRANSFER ACTION

Pursuant to Fed. R. Civ. P. 12(b)(1), Respondent Miami Field Office Director, U.S. Immigration and Customs Enforcement respectfully moves to dismiss Petitioner, Angel Andres Mateus Gonzalez's Petition for a Writ of Habeas Corpus or transfer it to the Middle District of Florida. In support of this Motion, Respondents state the following:

INTRODUCTION

Petitioner is challenging as unlawful his detention in the custody of Immigration and Customs Enforcement at the South Florida Detention Facility in Ochopee, Florida. *See* Petition at ¶ 2.¹ Ochopee is in Collier County, which is in the Middle District of Florida. *See* Federal Judicial Districts of Florida, <https://www.flsd.uscourts.gov/Federal-Judicial-Districts-Florida>.

ARGUMENT

¹ Elsewhere in his Petition, Petitioner indicates that he is detained in El Paso, Texas. *See* ECF No. 1 at 3. A review of ICE's records, however, indicates that Petitioner is detained at the Florida Detention Facility in Ochopee as of this writing. He was transferred to the facility on February 21, 2026 and filed this action on Mar 12, 2026.

The habeas statute, 28 U.S.C. § 2241 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). “In challenges to present physical confinement...the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent.” *Padilla*, 542 U.S. at 435-40, 439.

Recently, in *Trump v. J.G.G.*, the Supreme Court reinforced that even for habeas petitions filed by immigration detainees, “jurisdiction lies in only one district: the district of confinement” *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (citing *Padilla*, 542 U.S. at 426, 443). In *J.G.G.*, the Supreme Court found that detainees in Texas improperly filed a putative class action challenging their detention in the District of Columbia. (“The detainees are confined in Texas, so venue is improper in the District of Columbia.”). Importantly, this Court, citing *Padilla*, has previously dismissed habeas petitions for lack of jurisdiction filed by immigration detainees located outside the Southern District of Florida. See *Zhang v. United States*, 21-CV-81382-ALTMAN, 2021 U.S. Dist. LEXIS 162725, at *2-3 (S.D. Fla. Aug. 25, 2021) (dismissing habeas petition for lack of jurisdiction where detainee was detained in Glades County Jail, in Glades County, Florida, because jurisdiction lies in the district of confinement); *Dolme v. Barr*, 20-CV-24106-Altman, 2020 U.S. Dist. LEXIS 197596, at *2-3 (S.D. Fla. Oct. 21, 2020) (dismissing habeas petition for lack of jurisdiction where detainee was detained in Wakulla County Jail, in Wakulla County, in the Northern District of Florida, because jurisdiction lies in the district of confinement).

WHEREFORE, Respondents respectfully request that this habeas petition be dismissed or transferred to the Middle District of Florida, where Petitioner is currently detained.

Respectfully submitted.
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