

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

KENOL MAYANT,

Petitioner,

v.

Case No.: 3:26-cv-1614-MMH-MCR

WARDEN, North Florida Detention
Facility and U.S. Immigration and
Customs Enforcement,

Respondents.

MOTION TO DISMISS OR TO TRANSFER VENUE

Federal Respondents U.S. Immigration and Customs Enforcement (“ICE”), respectfully moves the Court to dismiss this action for lack of jurisdiction or transfer this matter to the United States District Court for the Eastern District of California because Petitioner was not detained within the Middle District of Florida when he filed his Petition for Writ of Habeas Corpus (“Petition”). In support thereof, Federal Respondents state as follows:

PROCEDURAL BACKGROUND

Petitioner Kenol Mayant signed his Petition challenging his continued detention by ICE on June 15, 2026. Doc. 1, pg. 8. Petitioner further declared that he placed his Petition into the prison mail system on June 15, 2026. *Id.*

On June 15, 2025, when Petitioner signed his Petition and placed his Petition in the prison mail system, he had already been transferred out of the Baker County Correctional Institute and out of the state of Florida. Petitioner was booked out of the

Baker County Correctional Institute on June 14, 2026, and transferred to ERO El Paso Camp East Montana, in El Paso, TX¹ within the Western District of Texas. *See* Exhibit 1: Detention History. On June 15, 2026, Petitioner was transferred from ERO El Paso Camp East Montana to California City Detention Facility, located in California City, CA² within the Eastern District of California. *Id.* Petitioner remains in ICE detention at the California City Immigration Processing Center. *Id.*

MEMORANDUM

I. The Court lacks jurisdiction to consider the Petition because Petitioner was not detained in the Middle District of Florida when the Petition was filed

The “writ of habeas corpus does not act upon the prisoner who seeks relief, but upon the person who holds him in what is alleged to be unlawful custody.” *Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 494-95 (1973). Thus, the proper respondent to a habeas petition is “the person who has custody over [the petitioner].” 28 U.S.C. § 2242; *see also* 28 U.S.C. § 2243 (“The writ, or order to show cause shall be directed to the person having custody of the person detained.”); *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (“The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is ‘the person who has custody over [the petitioner.]’ ”).

¹ U.S. Immigration and Customs Enforcement, Detention Facilities, <https://www.ice.gov/detention-facilities?state=All&office=&name=el%20paso%20camp%20east>.

² U.S. Immigration and Customs Enforcement, Detention Facilities, <https://www.ice.gov/detain/detention-facilities/california-city-detention-facility>.

A petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 must be brought in the district in which the petitioner is presently confined. *Padilla*, 542 U.S. at 443 (“The plain language of the habeas statute thus confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.”). The proper respondent in such cases is the “immediate custodian,” the person “with the ability to produce the prisoner’s body before the habeas court.” *Id.* at 446-47. This is the case for habeas petitions filed by immigration detainees as well. *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025).

The Court’s jurisdiction is fixed as of the date the petition is filed and if the petition adequately names the immediate custodian, then subsequent moving of the petitioner does not defeat the Court’s habeas jurisdiction. *Padilla*, 542 U.S. at 441 (discussing *Ex parte Endo*, 323 U.S. 283 (1944)). Under the “prison mailbox rule,” an incarcerated person’s petition is considered filed at the time it is delivered to the prison authorities for forwarding to the court clerk. *Houston v. Lack*, 487 U.S. 266, 276 (1988). “Absent evidence to the contrary, we assume that a prisoner delivered a filing to prison authorities on the date that he signed it.” *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014); *United States v. Lassiter*, 812 Fed. App’x 896, 899-900 (11th Cir. 2020) (applying the “prison mailbox rule” to a construed 28 U.S.C. § 2241 petition for sentencing credit.) Accordingly, this Petition was filed on June 15, 2026, while Petitioner was in transit between detention facilities in El Paso, TX and California

City, CA on June 15, 2026. As such, this Court lacks jurisdiction over this action.

CONCLUSION

Based on the foregoing, Federal Respondents respectfully request that this Court dismiss this Petition for lack of jurisdiction or transfer this action to the Eastern District of California for all further proceedings.³

LOCAL RULE 3.01(G) CERTIFICATE

Petitioner is a *pro se* individual in immigration detention in California. To the extent that Local Rule 3.01(g) applies here, Federal Respondents seek leave to excuse compliance pursuant to Local Rule 1.01(b).

Dated: July 1, 2026

Respectfully submitted,

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/s/ Kyesha Mapp

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³ Pursuant to 28 U.S.C. § 1406(a), the court “of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” The decision to transfer under section 1404(a) lies within the discretion of the district court and is to be determined upon notions of convenience and fairness on a case-by-case basis. *Stewart Org., Inc. v. Ricoh Corp.*, 487 U.S. 22, 29 (1988).

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Attorneys for Federal Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 1, 2026, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, and will mail a copy of the foregoing to the following individual, who is not a CM/ECF participant on July 2, 2026.

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California City Immigration Processing Center
22844 Virginia Boulevard
NA
California City, CA 93505
Pro se Petitioner

/s/ Kyesha Mapp
KYESHA MAPP
Assistant United States Attorney