UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

XIALONG PAN,

Petitioner,

v.

KRISTI NOEM, et al.,

Respondents.

Civil Action No. 25-3432 (AHA)

PARTIAL RESPONSE TO HABEAS PETITION

Respondent Kristi Noem, in her official capacity, through undersigned counsel, respectfully submits this partial response to Petitioner's habeas petition, which challenges his detention in Mississippi.[1] Because this Court lacks habeas jurisdiction over the petition, the Court should dismiss the petition without prejudice and allow Petitioner to refile in accordance with general habeas rules: in the district of confinement, naming his immediate custodian.

FACTUAL BACKGROUND

Petitioner alleges that he is currently detained at the Adams Country Detention Center in Natchez, Mississippi. Pet. ¶ 1. He contends that his detention is unlawful because he has not received a bond hearing or an individualized determination of whether he is a flight risk or a danger to the community. *Id.* Petitioner does not allege that he was ever detained in the District of Columbia, nor does he allege that his immediate custodian is in the District. *See id.* ¶¶ 9, 11.

[1] Undersigned counsel is appearing only for the Secretary and responding only on her behalf at this time. While Respondent Noem's deadline to respond was January 26, 2026, *see* Order to Show Cause, the Court was closed on the day of the deadline. Therefore, Respondent Noem files on the first business day following the Court's reopening. *See* Fed. R. Civ. P. 6(a)(3).

Petitioner only contends that habeas jurisdiction is proper because Respondent Noem is located within the District. *See id.* ¶ 6.

ARGUMENT

I. This Case Should be Dismissed and Litigated in the Southern District of Mississippi.

Petitioner appears to have filed another habeas petition within the District. *See Pan v. Noem, et al.*, Civ. A. No. 25-3774 (CKK). While undersigned counsel cannot access the habeas petition itself from ECF, the petitioner's name and counsel all match. The other habeas petition was transferred to the Southern District of Mississippi. *See Pan v. Noem*, Civ. A. No. 25-3774 (CKK), Nov. 10, 2025, Min. Order (transferring matter to Southern District of Mississippi). The matter is currently being briefed in that forum. *See Pan v. Noem*, Civ. A. No. 25-127 (S.D. Miss.). This matter should be litigated in the ongoing habeas proceedings in Mississippi. *See Stone & Webster, Inc. v. Georgia Power Co.*, 965 F. Supp. 2d 56, 62 (D.D.C. 2013) ("District courts have the discretion to dismiss a pending action when faced with parallel litigation of factually related actions filed in two separate forums.").

II. The Court Lacks Habeas Jurisdiction.

This Court should decide the issue of habeas jurisdiction before it requires Respondent Noem to address other threshold jurisdictional issues. *See Khalil v. President, United States*, --- F. 4th ---, 2026 WL 111933, at *4-8 (3d Cir. Jan. 15, 2026) (deciding habeas jurisdiction question before turning to subject matter jurisdiction under the Immigration and Nationality Act). Petitioner cannot clear the habeas jurisdictional bar. He does not file this petition in the district of confinement, and that is fatal to his habeas petition.

For claims that "fall within the 'core' of the writ of habeas corpus," "jurisdiction lies in only one district: the district of confinement." *Trump v. J.G.G.*, 145 S. Ct. 1003, 1005-06 (2025); *see also Padilla v. Rumsfeld*, 542 U.S. 426, 434-35 (2004). The habeas statute provides that the

proper respondent to a habeas petition is "the person who has custody over [the petitioner]." 28 U.S.C. § 2242. "The consistent use [in the habeas statute] of the definite article in reference to the custodian indicates that there is generally only one proper respondent to a given prisoner's habeas petition"—the person "who has the *immediate custody* of the party detained, with the power to produce the body of such party before the court or judge[.]" *Padilla*, 542 U.S. at 434, 435 (emphasis in original). Consequently, for core habeas petitions challenging present physical confinement, "the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official." *Id.*; *see also id.* at 444; *accord J.G.G.*, 145 S. Ct. at 1005-06. And because district courts may grant writs of habeas corpus only "within their respective jurisdictions," 28 U.S.C. § 2241(a), only the court with jurisdiction over the place of confinement has habeas jurisdiction.

Padilla's "bright-light rule" contains no exceptions except those carved out in §§ 2241(d) and 2255, which are not applicable here. 542 U.S. at 449-50. Notably, *Padilla* could not identify "a single case in which [it] deviated from the longstanding rule" and "allowed a habeas petitioner challenging his present physical custody within the United States to name as respondent someone other than the immediate custodian and to file somewhere other than the district of confinement." *Id.* at 449-50; *see also, e.g.*, *J.G.G.*, 145 S. Ct. at 1005; *Schlanger v. Seamans*, 401 U.S. 487, 489-91 (1971) (noting that failure to comply with district of confinement rule is "fatal" to court's jurisdiction).

Since *Padilla* was decided, the D.C. Circuit has accepted the immediate custodian rule as "the default rule that must be applied by district courts in determining whether it has jurisdiction over a prisoner's habeas petition." *Nken v. Napolitano*, 607 F. Supp. 2d 149, 155 (D.D.C. 2009) (citing *Stokes v. U.S. Parole Comm'n*, 374 F. 3d 1235, 1238 (D.C. Cir. 2004) (holding that the

United States District Court for the District of Columbia lacked jurisdiction over a habeas petition filed by a prisoner who, at the time of filing, was incarcerated in a private prison in Ohio)). Thus, in at least "the typical prisoner context, 'a habeas petitioner . . . cannot properly bring suit against such officials as the Attorney General . . . . Rather the proper defendant in federal habeas cases is the warden.'" *Id.* (citing *Chatman-Bey v. Thornburgh*, 864 F.2d 804, 811 (D.C. Cir. 1988)); *see also, e.g., Day v. Trump*, 860 F.3d 686 (D.C. Cir. 2017) (applying the immediate custodian rule to find that the proper respondent in the petitioner's case was his federal prison warden in Indiana, not the President of the United States, and dismissing the case for lack of jurisdiction).

Petitioner makes no attempt to distinguish this line of dispositive authority, nor does he attempt to show that he is subject to the rule articulated in *Ex Parte Endo*, 323 U.S. 283 (1944). That is because he cannot. First, he cannot circumvent the district-of-confinement rule by naming the Secretary of Homeland Security. As the Supreme Court explicitly recognized, a petitioner cannot circumvent the proper-respondent and district-of-confinement rules by simply naming a supervisory official. *See Padilla*, 542 U.S. at 439-40. Courts within this District routinely have dismissed habeas petitions based on a petitioner's failure to abide by the district-of-confinement rule and when the petition seeks to circumvent the rule by naming the head of a government agency that exercises legal control. *See, e.g., Burt v. Whitaker*, Civ. A. No. 18-3078 (CRC), 2019 WL 652244, at *2 (D.D.C. Feb. 15, 2019) (rejecting attempt to name the Attorney General as a way to circumvent the district-of-confinement rule); *Stephenson v. Sessions*, Civ. A. No. 18-0629 (DLF), 2018 WL 5722701, at *1 (D.D.C. Nov. 1, 2018) ("And his petition should be filed in the United States District Court for the Central District of California, which has jurisdiction over his district of confinement[.]"). The rules do not change because Petitioner is in immigration detention. *See Nken*, 607 F. Supp. 2d at 155; *see also Zhenli Ye Gon v. D.C. Office of Atty. Gen.*, 825 F. Supp. 2d

271 (D.D.C. 2011) (applying the immediate custodian rule to a habeas petition challenging detention pending extradition); *Essell v. Holder*, Civ. A. No. 10-1587 (RWR), 2010 WL 3925257 (D.D.C. Sept. 20, 2010) (dismissing a mandamus petition to compel a petitioner's immediate deportation because this type of claim is properly pursued via a writ of habeas corpus and noting that the immediate custodian resides in Pennsylvania).

Petitioner cannot show that *Ex Parte Endo* applies here. In *Endo*, a Japanese-American filed a habeas petition in the Northern District of California, naming her immediate custodian. *Padilla*, 542 U.S. at 440. After filing, the petitioner was moved to Utah. *Id.* The Supreme Court held that "the Northern District '*acquired* jurisdiction in this case and that Endo's removal . . . did not cause it to lose jurisdiction where a person in whose custody she remains is within the district.'" *Padilla*, 542 U.S. at 440 (quoting *Endo*, 323 U.S. at 306). *Endo* thus stands for an "important but *limited* proposition[:] when the Government moves a habeas petitioner after she *properly* files a petition naming her immediate custodian, the District Court retains jurisdiction." *Padilla*, 542 U.S. at 441 (emphases added). Petitioner does not contend that he was detained in the District at the time that the habeas was filed and subsequently transferred.

Petitioner may argue that the immediate custodian rule should be relaxed because his petition advances challenges to the Department of Homeland Security's current detention authority under new Board of Immigration Appeals precedent. *See* Pet. ¶¶ 28, 29. But those allegations and arguments cannot carry the day. It would invite petitioners to engage in the very "rampant forum shopping" that the Supreme Court warned against when it recognized that a petitioner "could name a high-level supervisory official as respondent and then sue that person wherever he is amenable to long-arm jurisdiction." *Padilla*, 542 U.S. at 447. Moreover, to the extent that there are allegations about removal or removal-related issues, which would fall under the purview of the

Secretary of Homeland Security (and also the Attorney General), those cannot be used to confer habeas jurisdiction because "[h]abeas is at its core a remedy for unlawful executive detention," and the traditional function of habeas is to secure the habeas petitioner's release.[2] *Munaf v. Geren*, 553 U.S. 674, 693 (2008); *see also Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) ("[T]he traditional function of the writ is to secure release from illegal custody"). That is precisely why for a district court to grant habeas relief, it "must be able to exercise personal jurisdiction over the custodian of the petitioner." *Eddine v. Chertoff*, Civ. A. No. 07-6117, 2008 WL 630043, at *2 (D.N.J. Mar. 5, 2008).

The D.C. Circuit has been consistently clear: "a district court may not entertain a habeas petition involving present physical custody unless the respondent custodian is within its territorial jurisdiction." *Stokes*, 374 F.3d at 1239; *see also Rooney v. Sec'y of Army*, 405 F. 3d 1029, 1032 (D.C. Cir. 2005) (noting that habeas jurisdiction is proper only in the jurisdiction where the immediate custodian is located). Indeed, the D.C. Circuit has even acknowledged that the "unknown custodian" exception, which applies at times when the immediate custodian is not or cannot be known, ceases to obtain once it "become[s] known that [a] petitioner is held in a jurisdiction other than this one," which divests a court of habeas jurisdiction. *Demanjuk v. Meese*, 784 F.2d 1114, 1116 (D.C. Cir. 1986). In short, there is no basis for this Court to deviate from well-established practice and precedent and provide Petitioner the extraordinary relief sought, for this Court lacks jurisdiction to do so.

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[2] The Court lacks subject-matter jurisdiction over removal-related claims. *See* 8 U.S.C. §§ 1252(b)(9), (g) (stripping habeas jurisdiction over removal-related claims).

CONCLUSION

The Court should dismiss the habeas petition for want of habeas jurisdiction.[3] Should the Court nonetheless determine that it has habeas jurisdiction, Respondent Noem respectfully requests that the Court order a substantive response be filed within twenty-one days of the Court's habeas jurisdiction ruling.

Dated: January 28, 2026
Washington, DC

Respectfully submitted,

JEANINE FERRIS PIRRO
United States Attorney

PETER C. PFAFFENROTH
D.C. Bar No. 496632
Chief, Civil Division

By: */s/ Dhruman Y. Sampat*
DHRUMAN Y. SAMPAT
Assistant United States Attorney
601 D Street, NW
Washington, DC 20530
(202) 252-2525

Attorneys for the United States of America

[3] Should Petitioner consent, Respondent Noem would be amenable to transferring this action to the Southern District of Mississippi. *See* 28 U.S.C. § 1404(a). Absent consent, the Court should dismiss the case outright.