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8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

|    |                                  |   |                                        |
|----|----------------------------------|---|----------------------------------------|
| 12 | JOAO ALEXANDRES DOS REIS FRANCO, | ) | No. 25-cv-08998-JSC                    |
| 13 | Petitioner                       | ) |                                        |
| 14 | v.                               | ) | <b>RESPONDENTS' SUPPLEMENTAL BRIEF</b> |
| 15 | CRAIG MEYER, et al.,             | ) | <b>RE JURIDICTION</b>                  |
| 16 | Respondents                      | ) |                                        |
| 17 | <hr/>                            |   |                                        |

18 Pursuant to the Court's Order for Supplemental Briefing, Dkt. No. 11, Respondents provide the  
19 following brief regarding Petitioner's district of confinement at the time the habeas petition was filed,  
20 and whether this Court has jurisdiction over this petition.

21 Petitioner's district of confinement at the time the petition was filed.

22 1. Petitioner was booked into ICE's San Francisco Hold Room at 630 Sansome Street upon  
23 his arrest on November 3, 2025. At that time, he was in the custody of ERO in San Francisco.

24 2. According to ERO records, Petitioner was booked out of the San Francisco Hold Room at  
25 approximately 3:48 p.m. on November 3, 2025, for transfer to the California City Processing Center  
26 ("CCPC"), ICE's contract detention facility located in California City, Kern County, California. He  
27 would have left the San Francisco Hold Room shortly after that time. Supplemental Declaration of Ana  
28 L. Juarez ("Suppl. Juarez Decl.") ¶ 6.

1 3. A contractor, G4S, was responsible for Petitioner's transportation from San Francisco to  
2 CCPC. *Id.* ¶ 6. G4S took custody of Petitioner until he was booked into the detention facility in  
3 California City. No ICE or ERO personnel accompanied Petitioner on his transport from San Francisco  
4 to CCPC. *Id.* ¶ 6.

5 4. Petitioner was booked into CCPC at approximately 1:00 a.m. on November 4, 2025. At  
6 that time, custody of Petitioner transferred to the warden of CCPC. Petitioner was in transit between the  
7 time he left the San Francisco Hold Room until he arrived at CCPC.

8 5. California City is approximately 357 miles from San Francisco, and transport from San  
9 Francisco to CCPC takes at least 6 to 7 hours. The fastest route from San Francisco goes through  
10 Alameda County to San Joaquin County, and then south through Stanislaus County, Merced County,  
11 Fresno County, Kings County, and Kern County.<sup>1</sup>

12 6. Petitioner arrived at CCPC no later than 1:00 a.m. Juarez Suppl. Decl. ¶ 7.

13 7. According to PACER, Petitioner's petition was filed at 10:46 p.m. on November 3, 2025.  
14 Dkt. No. 11 at 1. At 10:46 p.m. on November 3, 2025, Petitioner was in transit to CCPC, in the custody  
15 of G4S. He was no more than two hours and 14 minutes out of California City, and likely closer.

16 8. Jurisdiction over this Petition.

17 This Court lacks jurisdiction over the habeas petition because Petitioner was not detained in this  
18 District at the time the petition was filed. *Doe v. Garland*, 109 F.4th 1188 (9th Cir. 2024). At 10:56  
19 p.m. on November 3, 2025., Petitioner was in the custody of transportation contractor G4S and in transit  
20 to CCPC. He was likely in Kings County or Kern County, both of which are in the Eastern District of  
21 California. 28 U.S.C. § 84(b). He could not have been in the Northern District of California at 10:46  
22 p.m. on November 3, 2025, and arrived at CCPC by 1:00 a.m. on November 4, 2025.<sup>2</sup>

23 In *Doe*, the Ninth Circuit held that "[t]he district court's exercise of jurisdiction was . . .

24  
25 <sup>1</sup> Respondents request that the Court take judicial notice of the attached GoogleMaps route from  
26 630 Sansome Street, San Francisco to 22844 Virginia Boulevard, California City, captured at  
approximately 4:15 p.m. on Monday, November 17, 2025, attached hereto as Attachment A.

27 <sup>2</sup> Even if Petitioner had been transported to California City via the slower route down U.S. 101,  
28 he would have still had at least three and a half hours to travel after leaving Monterey County (in the  
Northern District of California) and entering San Luis Obispo County (in the Central District of  
California).

1 improper because Doe was confined in the Eastern District of California, not the Northern District of  
2 California, where his petition was filed.” 109 F.4th at 1197. In addition, the *Doe* Court emphasized the  
3 “clear rule requiring core habeas petitioners challenging their present physical confinement to name  
4 their immediate custodian, the warden of the facility where they are detained, as the respondent to their  
5 petition.” *Id.* (citing *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004)). Because the petitioner in *Doe* did  
6 not adhere to these requirements, the Ninth Circuit held that “the district court erred in exercising  
7 jurisdiction over Doe’s petition.” *Id.*, 109 F.4th at 1197.

8 This Court similarly lacks jurisdiction over the present petition because the petition was filed in  
9 this District, but Petitioner was not confined in the Northern District of California at the time of the  
10 filing. Petitioner also failed to name his immediate custodian.

11 Accordingly, Respondents respectfully request that the Court dismiss the Petition so that it can  
12 be refiled in the district of Petitioner’s confinement. Alternatively, Respondents would stipulate to  
13 transfer this petition to the Eastern District of California.

14 DATED: November 17, 2025

Respectfully submitted,

15 CRAIG H. MISSAKIAN  
16 United States Attorney

17 /s/ Pamela T. Johann

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