

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-00480-JMB-ECW

JOSE ALFREDO ANAYA,

Petitioner,

v.

KRISTI NOEM, *et al.*,

Respondents.

**BRIEF IN SUPPORT OF
FEDERAL RESPONDENTS'
MOTION TO DISMISS
OR TRANSFER**

There is a threshold defect with Mr. Anaya's petition: he filed it in the wrong place. Petitioner is detained in Texas and was detained in Texas at the time its petition was filed. Petitioner admits this much in its own Petition. *See Petition* ¶ 13. It is Petitioner's burden to tell this Court why Petitioner thinks this Court should assume jurisdiction over his Petition. Petitioner failed to do so. For this reason alone, this Court should dismiss this Petition for lack of jurisdiction. Clearly, the action should not have been brought in Minnesota, and the Federal Respondents, Kristi Noem, Todd Lyons, David Easterwood and Pamela Bondi (collectively, "the Federal Respondents" or "Respondents"), very respectfully move to dismiss Mr. Anaya's petition or transfer it to the Southern District of Texas pursuant to 28 U.S.C. § 1406(a).

BACKGROUND

The Federal Respondents draw the following background from Anaya's petition in this case and from the docket filings in his other habeas action.

Petitioner is a citizen of Mexico. *Pet.* ¶ 23. Petitioner was scheduled for a bond hearing on January 20, 2026, at El Paso Immigration Court. *See id.*

ARGUMENT

Under 28 U.S.C. § 1406(a), the Court should dismiss this case or transfer it to the Southern District of Texas (the district in which the Port Isabel Service Processing Center is located). It is a basic rule of habeas litigation “that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). That rule does not go away just because this is an immigration-related case—regardless of the type of detention at issue, petitions brought under § 2241 must be brought in the district of confinement. *See, e.g., Fisenko K. v. Ray*, No. 25-cv-4654-PJS-DLM, ECF No. 17 (D. Minn. order filed Dec. 17, 2025) (transferring immigration detention petition filed in wrong district); *Garcia v. London*, 2025 U.S. Dist. LEXIS 261751, at *3 (D. Neb. Dec. 10, 2025) (transferring immigration detention petition filed in wrong district). Because this is a jurisdictional defect, *see Padilla*, 542 U.S. at 442, the Court cannot proceed to the merits of Acuna Cruz’s petition or rule on his motion for a temporary restraining order until the issue is resolved.

Here, Petitioner knew he was in Texas at the time of filing this Petition. This is clearly stated in the Petition by indicating he was scheduled for a bond hearing in El Paso, Texas on January 20, 2026. *See Pet.* ¶ 13. This is the same day Petitioner filed this Petition in the District of Minnesota. *See Dkt. 1*. Petitioner had a burden to show why given the facts in this case, this Court can assume jurisdiction in this case. Petitioner failed to that.

CONCLUSION

This case does not belong in Minnesota. As a habeas petitioner, Mr. Anaya is limited to challenging the length or validity of his confinement. He must pursue that challenge in the *district* of his confinement, which is Texas in this case. Anaya's petition should meet the same result as other immigration-related habeas actions this District concluded were filed in the wrong place. *See, e.g., Alonso v. Office of Chief Counsel/Immigration & Customs Enf't*, 2013 U.S. Dist. LEXIS 161055 (D. Minn. Sep. 25, 2013), *adopted by* 2013 U.S. Dist. LEXIS 160842 (D. Minn. Nov. 8, 2013); *Cherichel v. Baniecke*, 2011 U.S. Dist. LEXIS 51718 (D. Minn. Apr. 20, 2011), *adopted by* 2011 U.S. Dist. LEXIS 51725 (D. Minn. May 13, 2011). The Federal Respondents very respectfully request that the Court dismiss Anaya's petition or transfer it to the Southern District of Texas.

Dated: January 22, 2026

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