IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 26-cv-01040-SKC

RAMEZ BOLAS,

Petitioner,

v.

SECRETARY OF DHS KRISTI NOEM, Secretary of United States Department of Homeland Security;
PAM BONDI, United States Attorney General;
TODD LYONS, Director of United States Immigration and Customs Enforcement;
KELEI WALKER, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement, Department of Homeland Security;
UNITED STATES DEPARTMENT OF HOMELAND SECURITY; and
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondents,

RESPONSE TO ORDER TO SHOW CAUSE (ECF No. 5)

Respondents submit this response to the Court's Order to Show Cause why the Petition for Writ of Habeas Corpus (ECF No. 1) and Motion for Preliminary Injunction, ECF No. 2, should not be granted. *See* ECF No. 5.

Pursuant to the Court's Order, ECF No. 5, Respondents address whether the present case differs factually or legally from the Court's recent analysis in *Koridze v. Ice Field Office Director*, No. 1:25-cv-3870-SKC, Dkt. 16 (D. Colo. March 6, 2026).

This case differs factually and legally from the Court's analysis in *Koridze* because Petitioner has been confined and detained in Wyoming since November 3,

2025 (more than four months prior to the filing of the Petition on March 13, 2026), *see* Exhibit 1, Declaration of D. Johnson, ¶¶ 19-20, 26, and accordingly the Court lacks jurisdiction over the Petition.

Section 2241 of Title 28 provides in relevant part that "[w]rits of habeas corpus may be granted by ... the district courts within their respective jurisdictions" when a petitioner "is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241. "[T]he general rule" is that, for "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); *see also United States v. Scott*, 803 F.2d 1095, 1096 (10th Cir. 1986) ("A § 2241 petition for a writ of habeas corpus must be addressed to the federal district court in the district where the [petitioner] is confined."); *Serna v. Commandant, USDB-Leavenworth*, 608 F. App'x 713, 714 (10th Cir. 2015) ("It is well established that jurisdiction attaches on the initial filing for habeas corpus relief ...."); *I.F.M. v. Baltazar et al.*, No. 25-cv-03475-RMR (D. Colo. Mar. 23, 2026), ECF No. 35 (finding no jurisdiction in habeas action challenging detention filed in the District of Colorado where Petitioner was detained in the Western District of Texas).

A habeas petition filed "outside 'the district of confinement'" is, therefore, "outside the scope of the district court's habeas jurisdiction." *Griffin v. Kastner*, 507 F. App'x 801, 802 (10th Cir. 2013); *see also Emmanuel v. Barr*, No. 20-cv-53-TKW-CAS, 2020 WL 1917341, at *1 (N.D. Fla. Mar. 26, 2020) (determining that the "case

was not initiated in the proper district" because the immigration habeas petition was not filed in the district where petitioner was "in custody"), *report and recommendation adopted*, No. 20-cv-53-TKW-MAF, 2020 WL 1917631 (N.D. Fla. Apr. 20, 2020).[1]

Respondents anticipate that this Court's ruling on the question of jurisdiction will resolve the Petition and the Motion. If the Court denies the Petition and the Motion on this ground, it should decline to address additional challenges to Petitioner's detention. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach."). But if the Court wishes to receive additional briefing on any additional issues raised in the Petition or the Motion, Respondents request that the Court issue an order directing Respondents to address such issues.

Dated: March 23, 2026.

Respectfully submitted,

PETER MCNEILLY
United States Attorney

s/ Andrew M. Soler

[1] It is for this reason that any habeas petition would also need to name Petitioner's immediate custodian—*i.e.*, an ICE official located in the District of Wyoming. Longstanding habeas rules require a petitioner challenging detention to name the person in the district of confinement who has physical custody over the petitioner. "The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is 'the person who has custody over [the petitioner].'" *Padilla*, 542 U.S. at 434 (quoting 28 U.S.C. § 2242). The federal habeas statue thus "contemplate[s] a proceeding against some 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...." *Id.* at 435 (citations omitted).

Andrew M. Soler
Assistant United States Attorney
1801 California Street, Suite 1600
Denver, Colorado 80202
Telephone: (303) 454-0100
Fax: (303) 454-0407
Andrew.Soler@usdoj.gov
Counsel for Respondents

Certification Re: Use of Generative Artificial Intelligence for Drafting

The undersigned counsel certifies that generative artificial intelligence was not used to draft this filing.

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2026, I electronically filed the foregoing with the Clerk of Court using the ECF system, which will send notification of such filing to all counsel of record.

s/ Andrew M. Soler
Andrew M. Soler
United States Attorney's Office