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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

EMELI COREA LOPEZ,

Petitioner,

v.

CHRISTOPHER LaROSE, Warden,
Otay Mesa Detention Center, et al.,

Respondent.

Case No.: 26-cv-02616-JO-JLB

**RETURN TO PETITION FOR
WRIT OF HABEAS CORPUS**

Ms. Emeli Corea Lopez's habeas case should be dismissed or transferred to the Eastern District of California; Petitioner was transferred to the Immigration and Customs Enforcement Processing Center in California City, California on April 24, 2026.¹ Because she is no longer detained in the Southern District of California, this district is not the proper venue for her habeas claims.

District courts are limited to granting habeas relief "within their respective jurisdictions." 28 U.S.C. § 2241(a). For habeas petitions challenging present physical confinement, venue is appropriate only in the district in which a petitioner is confined,

¹ Ms. Corea Lopez's petition was also received and filed on the docket the same day. ECF No 1. ("Petition").

1 as “the district of confinement is synonymous with the district court that has territorial
2 jurisdiction over the proper respondent” because “[b]y definition, the immediate
3 custodian and the prisoner reside in the same district.” *Rumsfeld v. Padilla*, 542 U.S.
4 426, 444 (2004). “The rule that the proper venue for a challenge to present physical
5 custody lies only in the district of confinement is based on the requirement that the court
6 issuing the writ have jurisdiction over the entity capable of effecting the relief sought
7 in the petition; in the context of a challenge to physical custody, that entity is the
8 petitioner's custodian.” *Ramirez v. United States*, No. 108CV00633OWWJMDHC,
9 2009 WL 2044782, at 3 (E.D. Cal. July 9, 2009); *see, e.g., Braden v. 30th Judicial*
10 *Circuit Court*, 410 U.S. 484 (1973) (“The important fact to be observed in regard to the
11 mode of procedure upon [a writ of habeas corpus], that it is directed to, and served upon
12 . . . [the] jailer . . . compelling the oppressor to release [the petitioner's] constraint”).

13 In order to determine the proper venue for a petition under 28 U.S.C. § 2241 the
14 court must first determine which district has jurisdiction over the entity capable of
15 effecting relief. *See Padilla*, 542 U.S. at 445–47 (discussing requirement that district
16 court have jurisdiction over proper respondent capable of effecting relief in order to
17 entertain petition); *see also Wheeler v. United States*, 640 F.2d 1116, 1121 n. 7 (9th
18 Cir.1998) (stating that a court must have a respondent over whom it can assert
19 jurisdiction in order to entertain a habeas petition).

20 In attempting to respond to the petition filed in this case on April 24, 2026, it was
21 discovered that Petitioner had already been transferred to the ICE Processing Center in
22 California City, California the same day. *See Exhibit 1*. Accordingly, because the
23 warden of the detention facility named in this case is no longer Petitioner’s immediate
24 custodian, and where the Court lacks jurisdiction over the entity capable of affecting
25 the relief sought, venue is not proper in the Southern District of California.

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1 Because the Southern District of California is not the proper venue for her habeas
2 claims, the Court may either dismiss the petition, or transfer it to the correct venue, if
3 transfer is “in the interest of justice.” *See* 28 U.S.C § 1406(a).

4 DATED: May 7, 2026

ADAM GORDON
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6 *s/ Hunter V. Norton*
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