UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:26-CV-24367-DPG

DANIEL WALKER OSORIO,

Petitioner,

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, *et al.*,

Respondents.
_____/

RESPONDENTS' MOTION TO DISMISS OR ALTERNATIVELY TRANSFER VENUE

U.S. Immigration and Customs Enforcement, *et al.*, ("Respondents") through the undersigned counsel, respectfully file this Motion to Dismiss or in the alternative Transfer Venue maintaining that Daniel Walker Osorio's ("Petitioner") Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 ("Petition") (ECF No. 1) should be transferred to the United States District Court for the Middle District of Georgia, where, the petitioner is currently housed and detained.

INTRODUCTION

Petitioner is challenging as unlawful his detention in the custody of Immigration and Customs Enforcement at the Krome North Service Processing Center in Miami-Dade County, Miami, Florida. *See* (ECF No. 1). However, at the time of filing this Petition For a Writ of Habeas Corpous on June 23, 2026, the Petitioner was detained at the Stewart Detention Center in Lumpkin, Georgia, located within Stewart County and under the control of the Middle District of Georgia. *See* detention history; *see also* 28 U.S.C. § 90(b)(3).

ARGUMENT

The habeas statute, 28 U.S.C. § 2241 allows "the [U.S.] Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C. § 2441(a). The Supreme Court has interpreted the "within their respective jurisdiction language to mean that a Section 2441 petitioner challenging his present physical custody must file a petition for writ of habeas corpus in the district of confinement." *Rumsfeld v. Padilla*, 542 U.S. 426, 446-47 (2004). "In challenges to present physical confinement . . . the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent." *Padilla*, 542 U.S. at 435-40, 439.

Recently, in *Trump v. J.G.G.*, the Supreme Court reinforced that even for habeas petitions filed by immigration detainees, "jurisdiction lies in only one district: the district of confinement" *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025) (citing *Padilla*, 542 U.S. at 426, 443). In *J.G.G*, the Supreme Court found that detainees in Texas improperly filed a putative class action challenging their detention in the District of Colombia. ("The detainees are confined in Texas, so venue is improper in the District of Columbia.").

Importantly, courts in this district, citing *Padilla*, have previously dismissed habeas petitions for lack of jurisdiction filed by immigration detainees located outside the Southern District of Florida. *See Zhang v. United States*, 21-CV-81382-ALTMAN, 2021 U.S. Dist. LEXIS 162725, at *2-3 (S.D. Fla. Aug. 25, 2021) (dismissing habeas petition for lack of jurisdiction where detainee was detained in Glades County Jail, in Glades County, Florida, because jurisdiction lies in the district of confinement); *Dolme v. Barr*, 20-CV-24106-Altman, 2020 U.S. Dist. LEXIS 197596, at *2-3 (S.D. Fla. Oct. 21, 2020) (dismissing habeas petition for lack of jurisdiction where

detainee was detained in Wakulla County Jail, in Wakulla County, in the Northern District of Florida, because jurisdiction lies in the district of confinement).

Accordingly, Respondents respectfully request that this habeas petition be dismissed for improper venue or in the alternative be transferred to the United States District Court for the Middle District of Georgia, based upon where the Petitioner is currently detained.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 25, 2026, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and delivered the document and its attachments by United States Mail to *pro se* petitioner:

Daniel Walker Osorio,
A# [redacted]
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Lumpkin, Georgia 31815.

By: */s/ Yaniece McPherson*
Yaniece McPherson
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