UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, CORPUS CHRISTI DIVISION

Francisco Dorta Herrera v. Kristi Noem

Herrera · No. 2:26-CV-00025 · Decided January 20, 2026

SUMMARY

The court ordered the transfer of this 28 U.S.C. § 2241 habeas action to the Southern District of Texas, Laredo Division, because the petitioner was located within that division. The court denied pending motions as moot and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Corpus Christi Division
JURISDICTION	United States District Court for the Southern District of Texas, Corpus Christi Division
DECIDED	January 20, 2026
DOCKET	2:26-CV-00025
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The district court determined that the petition was filed in the wrong division and ordered transfer rather than dismissal.
PRECEDENTIAL VALUE	Unpublished district court transfer order; persuasive rather than binding outside the case.

TOPICS

federal habeas corpus · venue · immigration detention · civil procedure

PRACTICE AREAS

habeas corpus · immigration detention · federal civil procedure

QUESTIONS PRESENTED

1. Whether a 28 U.S.C. § 2241 habeas petition should be transferred when the detainee is incarcerated in a different division of the same federal judicial district than the division in which the petition was filed.

2. Whether the action should be transferred rather than dismissed because the detainee was confined in the Southern District of Texas, Laredo Division.

HOLDINGS

1. A petition for a writ of habeas corpus under 28 U.S.C. § 2241 must be filed in the district where the prisoner or detainee is incarcerated.
2. When a § 2241 petition is filed in the wrong division but should proceed in another division of the same district, transfer rather than dismissal is appropriate.

KEY QUOTATIONS

> *"It is well established that a petition for writ of habeas corpus filed pursuant to § 2241 must be filed in the district where the prisoner or detainee is incarcerated."* (2)

> *"Rather than dismissal, the Court finds this case should be transferred."* (2)

FACTUAL BACKGROUND

The petition alleged that Francisco Dorta Herrera, a Cuban national, was in ICE custody at the South Texas Detention Facility. The court's review of the ICE detainee locator showed that Herrera was instead located at the La Salle County Regional Detention Center in Encinal, Texas. That facility is in La Salle County, within the Southern District of Texas, Laredo Division.

PROCEDURAL HISTORY

Teresa Rodriguez filed the action as next friend of Francisco Dorta Herrera, alleging that Herrera was detained in ICE custody. Although the petition stated that Herrera was held at the South Texas Detention Facility, the court determined from the ICE locator that he was detained at the La Salle County Regional Detention Center in Encinal, Texas. Because that facility is within the Southern District of Texas, Laredo Division, the court transferred the case there, denied pending motions as moot, and directed the clerk to close the case.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk of Court was ordered to transfer the case to the United States District Court for the Southern District of Texas, Laredo Division. Pending motions were denied as moot, and the clerk was directed to close the case.

CASES CITED

- Hooker v. Sivley, 187 F.3d 680, 682 (5th Cir. 1999)
- Pack v. Yusuff, 218 F.3d 448, 451 (5th Cir. 2000)

OPINION

UNITED STATES DISTRICT COURT January 20, 2026 SOUTHERN DISTRICT OF TEXAS Nathan Ochsner, Clerk CORPUS CHRISTI DIVISION FRANCISCO DORTA HERRERA, § § Petitioner, § § VS. § CIVIL ACTION NO. 2:26-CV-00025 § KRISTI NOEM, § § Respondent. § OPINION AND ORDER OF TRANSFER This is a habeas action filed pursuant to 28 U.S.C. § 2241. (D.E. 1).

In the Petition, Petitioner asserts Francisco Dorta Herrera1 is being held at the South Texas Detention Facility. However, a review of the U.S. Immigration and Customs Enforcement locator website indicates Petitioner is located at the La Salle County Regional Detention Center in Encinal, Texas. See https://locator.ice.gov/odls/#/results (last visited Jan. 20, 2026).

The La Salle County Regional Detention Center is located in La Salle County, Texas which is within the Southern District of Texas, Laredo Division. 28 U.S.C. § 124(b)(3). It is well established that a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 must be filed in the district where the prisoner or detainee is incarcerated. Hooker v. Sivley, 187 F.3d 680, 682 (5th Cir.

1999) (citation omitted); see also Pack v. 1Teresa Rodriguez filed this case “As Next Friend” of Francisco Dorta Herrera, asserting Herrera is a Cuban national currently in ICE custody at the South Texas Detention Facility. (D.E. 1, Pages 1-2). 1 / 2 Yusuff, 218 F.3d 448, 451 (Sth Cir. 2000) (citations omitted).

Accordingly, this case is more appropriately transferred to the Southern District of Texas, Laredo Division. Rather than dismissal, the Court finds this case should be transferred. Therefore, the Clerk of Court is ORDERED to TRANSFER this case to the United States District Court for the Southern District of Texas, Laredo Division. All pending Motions are DENIED as moot and the Clerk of Court is DIRECTED to CLOSE this case.

ORDERED on January 20, 2026. C Jason & Libby Z United States Magistrate Judge 2/2

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