

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Franklin Alexis Linarez Vilchez v. David Kluemper, et al.

Linarez Vilchez v. Kluemper · No. 3:26-0261 · Decided April 16, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia denied the Government’s motion to dismiss or transfer a 28 U.S.C. § 2241 habeas petition filed by Franklin Alexis Linarez Vilchez. The court held that the unknown-custodian exception permitted jurisdiction and venue in the Southern District of West Virginia because the petitioner’s location and immediate custodian were unknown when the petition was filed. The court ordered the respondents to facilitate the petitioner’s return for a scheduled show-cause hearing.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
WRITING FOR THE COURT	Robert C. Chambers
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	April 16, 2026
DOCKET	3:26-0261
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his physical detention by immigration authorities. Respondents moved to dismiss for lack of jurisdiction and improper venue, or alternatively to transfer the action to the Western District of Pennsylvania.
STANDARD OF REVIEW	The Court reviewed the motion to dismiss issues concerning habeas jurisdiction and venue under 28 U.S.C. § 2241 and the immediate-custodian and district-of-confinement principles governing core habeas petitions.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; persuasive within the court but not generally binding outside the case.
PARTIES	Franklin Alexis Linarez Vilchez v. David Kluemper, John Rife, Todd M. Lyons, Markwayne Mullin, Todd Blanche

TOPICS

immigration detention

subject matter jurisdiction

venue

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civil procedure

PRACTICE AREAS

immigration

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federal jurisdiction

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QUESTIONS PRESENTED

1. Whether the Southern District of West Virginia had jurisdiction over a core habeas petition filed while an immigration detainee was in transit and his location and immediate custodian were unknown.
2. Whether venue was proper in the Southern District of West Virginia based on Petitioner's arrest and last verified location there.
3. Whether the action should be dismissed or transferred to the Western District of Pennsylvania based on Petitioner's eventual place of confinement.

HOLDINGS

1. The unknown-custodian exception to the immediate-custodian and district-of-confinement rules applies when a detainee's location and custodian cannot be discovered through reasonable inquiry at the time the petition is filed. In that circumstance, the detainee may file in the detainee's last-known location against the ultimate custodian.
2. The Southern District of West Virginia had jurisdiction and was the appropriate venue because Petitioner's arrest and last verified location occurred there, and the district was the only available forum when his location and custodian were unknown.

KEY QUOTATIONS

“The unknown-custodian exception is critical because a detainee must always have an available forum for a habeas petition, even if the government doesn't disclose their location.” (Discussion)

“if the government moves a detainee from a district and their attorney cannot discover their location with reasonable inquiry, that attorney must be able to file a habeas petition in the detainee’s last-known location against their ultimate custodian.” (Discussion)

“The delay in opportunity to challenge detention while a Petitioner is in transit would be unjust given that habeas corpus petitions challenges the lawfulness of the deprivation of the individual’s physical liberty interest at the outset of detention.” (Discussion)

FACTUAL BACKGROUND

Petitioner, a Honduran citizen and national, was arrested after a traffic stop in or around Putnam County, West Virginia, and taken into ICE custody. He was transported from an ICE processing facility in Poca, West Virginia, toward Pennsylvania on the same day. Petitioner filed his habeas petition while in transit, when counsel and his next friend could not determine his precise location or immediate custodian despite efforts to obtain that information. His eventual detention location was identified as Cambria County Prison in Pennsylvania.

PROCEDURAL HISTORY

Petitioner was arrested in Putnam County, West Virginia, and transported toward Pennsylvania. He filed the habeas petition while in transit, when his precise location and immediate custodian were unknown to his counsel. The Court entered an order to show cause and an order preventing removal or transfer, received briefing on jurisdiction and venue, denied the motion to dismiss, and ordered Respondents to facilitate Petitioner's return to the Southern District of West Virginia for a scheduled show-cause hearing.

DISPOSITION

other

REMAND INSTRUCTIONS

Respondents were ordered to facilitate Petitioner's return to the Southern District of West Virginia for the show-cause hearing scheduled for April 17, 2026, and to immediately inform the ICE Office of Principal Legal Advisor of the order. Following the hearing, Petitioner was to be released or returned to Respondents' custody.

CASES CITED

- *Rumsfeld v. Padilla*, 542 U.S. 426 (2004)
- *Demjanjuk v. Meese*, 784 F.2d 1114 (D.C. Cir. 1986)
- *Suri v. Trump*, No. 25-1560, 2025 WL 1806692 (4th Cir. 2025)
- *Gonzalez Falla v. Oddo*, No. 3:26-cv-00172 (S.D. W. Va. Mar. 11, 2026)
- *Gonzalez-Hernandez v. Oddo*, No. 2:26-cv-00179, 2026 WL 672754 (S.D. W. Va. Mar. 10, 2026)
- *Rodriguez-Flores v. Oddo*, No. 3:26-cv-00169, 2026 WL 801273 (S.D. W. Va. Mar. 23, 2026)