

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Jordan Anthony Tamay Torres v. Francis et al.

Torres · No. 1:25-cv-09573-ALC · Decided December 2, 2025

SUMMARY

The United States District Court for the Southern District of New York grants Respondents’ motion to transfer a 28 U.S.C. § 2241 habeas petition to the District of New Jersey under 28 U.S.C. § 1406(a). The court concludes that it lacked jurisdiction because the petitioner was detained in New Jersey when the petition was filed and directs the Clerk to promptly transfer the case.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Andrew L. Carter, Jr.
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 2, 2025
DOCKET	1:25-cv-09573-ALC
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner brought a habeas corpus petition under 28 U.S.C. § 2241. Respondents moved under 28 U.S.C. § 1406(a) to transfer the action to the United States District Court for the District of New Jersey because petitioner was detained there when the petition was filed.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- federal habeas corpus
- subject matter jurisdiction
- venue
- immigration detention
- civil procedure

PRACTICE AREAS

- habeas corpus
- immigration detention
- federal jurisdiction
- venue and transfer

QUESTIONS PRESENTED

1. Whether the Southern District of New York had jurisdiction to entertain a § 2241 habeas petition challenging petitioner's physical confinement when petitioner was confined in New Jersey at the time of

filing.

2. Whether transfer to the District of New Jersey under 28 U.S.C. § 1406(a) was in the interest of justice.

HOLDINGS

1. A § 2241 petition challenging a petitioner's physical confinement generally must be brought in the federal district where the petitioner is confined, and the Southern District of New York lacked habeas jurisdiction because petitioner was detained in New Jersey when the petition was filed.
2. Because the petition should have been brought in the District of New Jersey, transfer to that district was in the interest of justice and was warranted under § 1406(a).

KEY QUOTATIONS

“Given that Petitioner was detained in New Jersey at the time the Petition was filed, this Court lacks jurisdiction over this case.”

“Because this Petition should have been brought in the United States District Court for the District of New Jersey, the Court finds that it is in the best interest of justice to transfer this action pursuant to 28 U.S.C. § 1406(a).”

FACTUAL BACKGROUND

Petitioner was transported from a temporary hold room at 26 Federal Plaza to Delaney Hall Detention Facility in Newark, New Jersey, arriving at approximately 2:00 p.m. on November 23, 2025. He had been booked out of 26 Federal Plaza at approximately 1:05 p.m. and remained detained in New Jersey thereafter. The court was informed that the petition was received by email at 2:58 p.m. that same day, after petitioner was already detained in New Jersey.

PROCEDURAL HISTORY

Petitioner was detained at Delaney Hall Detention Center in Newark, New Jersey. Respondents moved to transfer the case after presenting evidence that petitioner had arrived at the New Jersey facility before the petition was received by the court. The Southern District of New York granted the motion, cancelled the scheduled telephonic conference, terminated pending motions, waived the seven-day waiting period under Local Civil Rule 83.1, and directed the Clerk to transfer the action to the District of New Jersey.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk of Court was directed to terminate all pending motions and promptly transfer the case to the United States District Court for the District of New Jersey. The seven-day waiting period under Local Civil Rule 83.1 was waived.

CASES CITED

- *Braden v. 30th Jud. Cir. Ct. of Ky.*, 410 U.S. 484, 494-95 (1973)
- *Rumsfeld v. Padilla*, 542 U.S. 426, 442-43 (2004)
- *Khalil v. Joyce*, 771 F. Supp. 3d 268, 280-86 (S.D.N.Y. 2025)

OPINION

DOCUMENT ELECTRONICALLY FILED UNITED STATES DISTRICT COURT eee FILED: 1272725 SOUTHERN DISTRICT OF NEW YORK ea nnn nnn nnn X JORDAN ANTHONY TAMAY TORRES, Petitioner,; -against- 1:25-cv-09573-ALC FRANCIS ET AL., ORDER TO TRANSFER Respondents. ANDREW L. CARTER, JR., United States District Judge: Petitioner, who is currently detained at the Delaney Hall Detention Center in Newark, New Jersey, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2241.

On December 1, 2025, Respondents filed a motion to transfer the case to the U.S. District Court of the District of New Jersey. ECF No. 11. In order to entertain a habeas corpus petition under Section 2241, a court must have jurisdiction over the person seeking such relief. See *Braden v. 30th Jud. Cir. Ct. of Ky.*, 410 USS. 484, 494-95 (1973). Jurisdiction to consider a Section 2241 habeas corpus challenge to a person's physical confinement generally lies in the district court for the federal district where that person is confined.

Rumsfeld v. Padilla, 542 U.S. 426, 442-443 (2004); see also *Khalil v. Joyce*, 771 F. Supp. 3d 268, 280-86 (S.D.N.Y. 2025) (holding that the court lacked habeas jurisdiction where the petition was transferred from 26 Federal Plaza to a facility in the District of New Jersey and petitioner was in New Jersey at the time of the filing of the petition). Respondents provide evidence that on November 23, 2025, Petitioner was booked out of the temporary hold room at 26 Federal Plaza at approximately 1:05PM for transportation to Delaney Hall Detention Facility in Newark, New Jersey where he arrived around 2:00PM and has been detained since.

ECF No. 11, 13. The Court previously indicated, after being informed by the Clerk of Court, that the Petition in this case was received via email at 2:58PM on November 23, 2025. Given that Petitioner was detained in New Jersey at the time the Petition was filed, this Court lacks jurisdiction over this case.

Because this Petition should have been brought in the United States District Court for the District of New Jersey, the Court finds that it is in the best interest of justice to transfer this action pursuant to 28 U.S.C. § 1406(a).

Accordingly, respondents' motion to transfer is GRANTED. The telephonic conference scheduled for December 3, 2025 at 3:30PM is hereby CANCELLED. The Court's previous order not to transfer Petitioner is also hereby CANCELLED. ECF No. 3.

The Clerk of Court is respectfully directed to terminate all pending motions and transfer this case to the United States District Court for the District of New Jersey. To ensure that Petitioner's habeas petition is heard in the proper forum without undue delay, this Court finds that the seven-day waiting period in Local Civil Rule 83.1 should be waived, and this case should be promptly transferred.

SO ORDERED. [Ayrdee / Ch Q~ Dated: December 2, 2025 New York, New York ANDREW L. CARTER, JR. United States District Judge