

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PRECEDENTIAL VALUE	unpublished district court order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

- 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)

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