

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Alex Hernan Pacha Llugsha v. John Doe, et al.

Pacha Llugsha v. Doe · No. 25-CV-09373 (MMG) · Decided December 3, 2025

SUMMARY

The Southern District of New York grants Respondents’ unopposed motion to transfer a 28 U.S.C. § 2241 habeas petition to the District of New Jersey because the petitioner was physically detained in New Jersey when the petition was filed. The court also enjoins the Government from removing the petitioner from New Jersey or the United States unless the transferee court orders otherwise.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Margaret M. Garnett
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 3, 2025
DOCKET	25-CV-09373 (MMG)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas petition challenging his detention. Respondents moved to transfer the matter to the District of New Jersey on the ground that Petitioner was confined there when the petition was filed.
STANDARD OF REVIEW	The Court determined the proper habeas district based on the petitioner's physical location at the time of filing and the record evidence concerning that location.
PRECEDENTIAL VALUE	unknown

TOPICS

- federal habeas corpus
- venue
- immigration detention
- injunctions

PRACTICE AREAS

- habeas corpus
- immigration detention
- venue and transfer

QUESTIONS PRESENTED

1. Whether a core habeas petition challenging present physical confinement should be transferred to the district where the petitioner was physically confined when the petition was filed.
2. Whether the record established that Petitioner was confined in the District of New Jersey when the petition was filed.

HOLDINGS

1. Jurisdiction over a core habeas petition challenging present physical confinement lies in the district of confinement, meaning the district where the petitioner is physically present when the petition is filed.
2. Transfer to the District of New Jersey was warranted because the evidence established that Petitioner was confined there when the petition was filed.

KEY QUOTATIONS

“for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.”

FACTUAL BACKGROUND

Petitioner was detained at or brought to 26 Federal Plaza in Manhattan on November 10, 2025, then departed at 1:29 p.m. and was booked into a detention facility in New Jersey at approximately 2:00 p.m. The filing fee accompanying the petition was paid at 2:17 p.m., and the Court found that Petitioner was in New Jersey before the petition was filed or, at minimum, before the filing fee was paid.

PROCEDURAL HISTORY

Petitioner filed the habeas petition in the Southern District of New York on November 10, 2025. After issuing an order to show cause, the Court received Respondents' motion to transfer and granted Petitioner additional time to submit evidence concerning the timing of his transfer, but Petitioner filed nothing further. The Court treated the motion as unopposed, granted it, ordered immediate transfer to the District of New Jersey, and enjoined removal pending review by the transferee court.

DISPOSITION

other

CASES CITED

- Ozturk v. Hyde, 136 F.4th 382, 391 (2d Cir. 2025)
- Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004)
- Golding v. Sessions, No. 18-CV-3036 (RJS), 2018 WL 6444400, at *1 (S.D.N.Y. Dec. 6, 2018)
- Avillan v. Donahue, No. 12-CV-03370 (AJN), 2013 WL 12084502, at *1-2 (S.D.N.Y. Feb. 15, 2013)
- Saamishvili v. Flanagan, No. 25-CV-09181 (ER), 2025 WL 3090134, at *1 (S.D.N.Y. Nov. 5, 2025)

OPINION

Doe

PER CURIAM.

| USDC SDNY

DOCUMENT

UNITED STATES DISTRICT COURT ELECTRONICALLY FILED

SOUTHERN DISTRICT OF NEW YORK DOC #:

ALEX HERNAN PACHA LLUGSHA, DATE a a

Petitioner, -against- 25-CV-09373 (MMG) JOHN DOE, et al., ORDER Respondents. MARGARET M. GARNETT, United States District Judge: On November 10, 2025, a petition for a Writ of Habeas Corpus (“Petition”) was filed under 28 U.S.C. § 2241 on behalf of Alex Hernan Pacha Llugsha (“Petitioner”). Dkt. No. 1. The petition alleges that Petitioner was detained and brought to 26 Federal Plaza in Manhattan, New York, on November 10, 2025. The same day, the Court issued an Order to Show Cause requiring Respondents to respond to the Petition by November 14, 2025, Petitioner to reply by November 18, 2025, and all parties to appear for a hearing on November 20, 2025. Dkt. No. 4. On November 14, 2025, Respondents moved to transfer this matter to the District Court for the District of New Jersey. Dkt. No. 6. The motion included a declaration from Supervisory Detention and Deportation Officer Kareem Johnson. Dkt. No. 8. The declaration avers that Petitioner left 26 Federal Plaza at 1:29 p.m. on November 10, 2025, and was “booked-in at Delaney Hall” in New Jersey 31 minutes later at 2:00 p.m. Dkt. No. 8 § 7. Respondents highlight that the Civil Cover Sheet (Dkt. No. 2) accompanying the Petition indicates that the filing fee for the Petition was paid at 2:17 p.m. on November 10, 2025. Accordingly, Respondents contend, Petitioner was detained in New Jersey when the petition was filed, and the Court must therefore transfer the matter to the District of New Jersey. In response, Petitioner’s representative, Mr. Yuri Hovhannisyan, submitted a letter asking for one week to submit a declaration from his client “regarding the timing of the transfer to New Jersey.” Dkt No. 10. The Court granted the request, adjourned the conference, and ordered Petitioner to file a letter on or before December 1, 2025. Dkt. No. 11. The Court has not received any subsequent filing from Petitioner or Mr. Hovhannisyan and will therefore treat Respondents’ motion as unopposed. It is well established that “for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Ozturk v. Hyde*, 136 F.4th 382, 391 (2d Cir. 2025) (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004)). The district of confinement is the district in which the petitioner is physically present at the time that a habeas petition is filed. *Golding v. Sessions*, No. 18-CV-3036 (RJS), 2018 WL 6444400, at *1 (S.D.N-Y. Dec. 6, 2018). Here, Respondents have presented evidence that Petitioner was in the District of New Jersey when the Petition was filed. The declaration establishes that Petitioner departed 26 Federal Plaza at 1:29 p.m. and was “booked-in” at the New Jersey detention center at 2:00 p.m. The payment receipt on the Civil Cover Sheet that accompanied the Petition indicates that

payment was completed at 2:17 p.m. on November 10, 2025. See Dkt. No. 2. At least one judge in this district has commented that, in the ordinary course, a complaint is only deemed filed when the filing fee is paid. See *Avillan v. Donahue*, No. 12-CV-03370 (AJN), 2013 WL 12084502, at * 1-2 (S.D.N.Y. Feb. 15, 2013). The Court need not decide the legal question of whether the Petition can be deemed filed some time before the moment of payment, however, because it is reasonable to assume that all the necessary acts to “file” the Petition occurred in quick succession before payment was made at 2:17 p.m. Given the physical location of the New Jersey place of detention and the most direct route from 26 Federal Plaza to that location (facts of which the Court can take judicial notice), there can be no serious dispute, given the record evidence, that Petitioner was in New Jersey at least by approximately 1:50 p.m., nearly half an hour before the filing fee was paid to initiate the Petition. Accordingly, the Court concludes that New Jersey is the appropriate district of confinement for purposes of adjudicating the Petition and hereby ORDERS that:

1. Respondents’ motion to transfer this case to the U.S. District Court of the District of New Jersey (Dkt. No. 6) is GRANTED.
2. The Clerk of Court is respectfully directed to transfer this matter to the District Court for the District of New Jersey forthwith. Consistent with the Government’s request, the Clerk of Court is further respectfully directed to transfer this matter immediately, without regard for Local Civil Rule 83.1.
3. To ensure that Petitioner has an opportunity to have this Petition considered by the District of New Jersey, and to preserve the status quo, the Court ENJOINS the Government from removing Petitioner from the District of New Jersey or from the United States unless and until the transferee Court orders otherwise. See *Saamishvili v. Flanagan*, No. 25-CV-09181 (ER), 2025 WL 3090134, at *1 (S.D.N.Y. Nov. 5, 2025). Dated: December 3, 2025 New York, New York SO ORDERED. United States District Judge