

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)

