

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK**

Orencio Almazo Barragan v. Todd M. Lyons, et al.

Barragan · No. 26 Civ. 311 (JHR) · Decided January 14, 2026

SUMMARY

The United States District Court for the Southern District of New York transfers Orencio Almazo Barragan’s 28 U.S.C. § 2241 habeas petition to the District of New Mexico because he is detained there and the court lacks jurisdiction over his custodian. The court waives the applicable waiting period and directs the Clerk of Court to transfer the action, closing the case in the Southern District of New York.

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK ORENCIO ALMAZO BARRAGAN, Petitioner, 26 Civ. 311 (JHR) -against- ORDER TODD M. LYONS, et al., Respondent. JENNIFER H. REARDEN, District Judge: On January 13, 2026, Petitioner Orencio Almazo Barragan filed this petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner is currently detained at the Otero County Processing Center in Chaparral, New Mexico.¹ In order to entertain a habeas corpus petition under 28 U.S.C. § 2241, a court must have jurisdiction over the custodian.

See *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 494-95 (1973) (“The writ of habeas corpus does not act upon the prisoner who seeks relief, but upon the person who holds him in what is alleged to be unlawful custody.”).

Thus, the jurisdiction of a habeas petition challenging a petitioner’s physical confinement generally lies in the district of his confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004) (“The plain language of the habeas statute thus confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.”).

The Otero County Processing Center, where Petitioner is detained, is in the District of New Mexico. 28 U.S.C. § 110. Accordingly, the Court transfers this petition to the 1 Petitioner’s whereabouts were determined from the online ICE detainee locator, www.locator.ice.gov. United States District Court for the District of New Mexico. See 28 U.S.C. §§ 1404(a), 14066(a).

Because this petition seeks the immediate release of an individual in custody, the Court waives Local Civil Rule 83.1’s seven-day waiting period. The Clerk of Court shall therefore transfer this

action upon the filing of this Order, which closes the case in the Southern District of New York.
SO ORDERED. Dated: January 14, 2026 New York, New York nited States District Judge

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