

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, MONROE DIVISION

Cerly Gleyce de Souza Moita v. Garrett J. Ripa, et al.

Ripa · No. 3:26-CV-01460 SEC P · Decided May 7, 2026

SUMMARY

The court held that jurisdiction over the petitioner’s 28 U.S.C. § 2241 habeas petition attached in the Southern District of Florida, where she was detained when she filed, and was not defeated by her subsequent transfer to Louisiana. The court ordered the case transferred back to the Southern District of Florida under 28 U.S.C. § 1631.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Monroe Division
WRITING FOR THE COURT	Robert R. Summerhays
JURISDICTION	United States District Court for the Western District of Louisiana, Monroe Division
DECIDED	May 7, 2026
DOCKET	3:26-CV-01460 SEC P
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas petition in the Southern District of Florida while detained there. After her transfer to Louisiana, the petition and an emergency motion for a temporary restraining order were transferred to the Western District of Louisiana, which determined that jurisdiction remained in the original district and ordered the case transferred back.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Cerly Gleyce de Souza Moita v. Garrett J. Ripa, et al.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether jurisdiction over a habeas petition is determined by the petitioner's place of confinement at the time of filing and remains unaffected by a subsequent transfer.
2. Whether the Western District of Louisiana should transfer the case to the Southern District of Florida under 28 U.S.C. § 1631.

HOLDINGS

1. Jurisdiction attached in the district where the petitioner was confined when she filed the habeas petition and was not destroyed by her subsequent transfer or custodial change.
2. The case should be transferred to the United States District Court for the Southern District of Florida pursuant to 28 U.S.C. § 1631.

KEY QUOTATIONS

“Jurisdiction attached on that initial filing for habeas corpus relief, and it was not destroyed by the transfer of petitioner and accompanying custodial change.” (2)

FACTUAL BACKGROUND

Petitioner sought immediate relief from alleged unlawful detention by U.S. Immigration and Customs Enforcement through a § 2241 petition filed while she was confined at the Broward Transitional Center in Pompano Beach, Florida. She was subsequently transferred to the Richwood Correctional Center in Richwood, Louisiana, and the case was transferred to the Western District of Louisiana based on her current place of confinement.

PROCEDURAL HISTORY

Cerly Gleyce de Souza Moita filed a § 2241 petition on December 2, 2025, while detained at the Broward Transitional Center in Pompano Beach, Florida. She was later moved to the Richwood Correctional Center in Louisiana. After the case was transferred to the Western District of Louisiana based on her current place of confinement, that court concluded that jurisdiction attached when the petition was filed and ordered transfer to the Southern District of Florida under 28 U.S.C. § 1631.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk of Court was ordered to transfer the case to the United States District Court for the Southern District of Florida pursuant to 28 U.S.C. § 1631.

CASES CITED

- Griffin v. Ebbert, 751 F.3d 288, 290 (5th Cir. 2014)
- McClure v. Hopper, 577 F.2d 938, 939-40 (5th Cir. 1978)
- Bonner v. City of Prichard, Ala., 661 F.2d 1206, 1207 (11th Cir. 1981)
- Ex parte Endo, 323 U.S. 283, 304-06 (1944)
- McGuire-Mollica v. Warden FPC Marianna, 5:24-CV-288-AW-MAL, 2025 WL 2842383, at *1 (N.D. Fla. Oct. 7, 2025)
- Gayle v. Meade, 614 F. Supp. 3d 1175, 1208 (S.D. Fla. 2020)

OPINION

Ripa

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

CERLY GLEYCE DE SOUZA MOITA CASE NO. 3:26-CV-01460 SEC P

VERSUS JUDGE ROBERT R. SUMMERHAYS

GARRETT J. RIPA, ET AL. MAGISTRATE JUDGE PEREZ-MONTES

ORDER

Cerly Gleyce de Souza Moita filed this petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on December 2, 2025, in the United States District Court, Southern District of Florida, “seeking immediate relief from her ongoing and unlawful detention by U.S. Immigration and Customs Enforcement (ICE).”¹ At the time of filing, Petitioner was detained in the Broward Transitional Center in Pompano Beach, Florida.² Petitioner names four respondents, including the Warden of the Broward County Transitional Center, who Petitioner states is her “immediate custodian.”³ Petitioner was subsequently moved to the Richwood Correctional Center, in Richwood, Louisiana, which is located within the Western District of Louisiana.⁴ On May 4, 2026, Petitioner filed an Emergency Motion for Temporary Restraining Order.⁵ On May 5, 2026, the habeas petition and motion for temporary restraining order were transferred to this Court on the basis that Petitioner’s current district of confinement is the Western District of Louisiana.⁶ 1 ECF No. 1 at 1.

2 Id. at 3.

3 ECF No. 7 at 5. 4 ECF No. 26. 5 ECF No. 25. 6 ECF No. 26. This Court lacks jurisdiction over this matter. At the time she filed the instant petition, Petitioner was confined in the Broward Transitional Center in Pompano Beach, Florida, located within the jurisdictional boundaries of the Southern District of Florida.’ “Jurisdiction attached on that initial filing for habeas corpus relief, and it was not destroyed by the transfer of petitioner and accompanying custodial change.”* Jurisdiction is proper in the United States District Court for the Southern District of Florida

because that is where Petitioner was detained when she originally filed her petition. Accordingly, The Clerk of Court is ORDERED to transfer the present case to the United States District Court, Southern District of Florida, pursuant to 28 U.S.C. § 1631. THUS DONE in Chambers on this 7th day of May, 2026.

ROBERT R. SUMMERHAYS

UNITED STATES DISTRICT JUDGE

T See 28 U.S.C. § 89(c). Griffin v. Ebbert, 751 F.3d 288, 290 (Sth Cir. 2014) (collecting cases); see also McClure v. Hopper, 577 F.2d 938, 939-40 (Sth Cir. 1978) (precedential in the Eleventh Circuit, see Bonner v. City of Prichard, Ala., 661 F.2d 1206, 1207 (11th Cir. 1981)); Ex parte Endo, 323 U.S. 283, 304-06 (1944); McGuire-Mollica v. Warden FPC Marianna, 5:24-CV-288-AW-MAL, 2025 WL 2842383, at *1 (N.D. Fla. Oct. 7, 2025); Gayle v. Meade, 614 F.Supp.3d 1175, 1208 (S.D. Fla. 2020). Page 2 of 2