

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Gustavo Ferreira Schlaucher de Souza v. Superintendent,
Moshannon Valley Processing Center, et al.

Schlaucher de Souza v. Superintendent · No. 3:26-1213 · Decided May 6, 2026

SUMMARY

The court determines that it lacks territorial jurisdiction over the petitioner's 28 U.S.C. § 2241 habeas petition because the petitioner is detained at the Moshannon Valley Correctional Facility in Clearfield County, within the Western District of Pennsylvania. Finding transfer to be in the interest of justice, the court orders the action transferred to the Western District of Pennsylvania and directs the Clerk of Court to close the case in the Middle District.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Malachy E. Mannion
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	May 6, 2026
DOCKET	3:26-1213
DISPOSITION	transferred
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 seeking immediate release from immigration detention or, alternatively, a bond hearing.
STANDARD OF REVIEW	On habeas screening, a district court may summarily dismiss or otherwise dispose of a petition when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief in that district.
PRECEDENTIAL VALUE	Unpublished district court memorandum; limited persuasive value.
PARTIES	Gustavo Ferreira Schlaucher de Souza v. Superintendent, Moshannon Valley Processing Center, et al.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Middle District of Pennsylvania had jurisdiction over a § 2241 habeas petition filed by an immigration detainee confined at the Moshannon Valley Processing Center.
2. Whether the court should transfer the petition to the Western District of Pennsylvania under 28 U.S.C. § 1631 in the interest of justice.

HOLDINGS

1. A § 2241 petition must be filed in the district having territorial jurisdiction over the petitioner's immediate custodian, and because the Moshannon Valley Processing Center is physically located in Clearfield County within the Western District of Pennsylvania, the Middle District of Pennsylvania lacked jurisdiction.
2. The action should be transferred to the Western District of Pennsylvania under 28 U.S.C. § 1631 because the petition was filed in good faith, the facility's address created understandable confusion, and no equitable factor weighed against transfer.

KEY QUOTATIONS

“The proper respondent in a §2241 petition is “the person who has custody over” the petitioner and who has the power to produce the petitioner before the court and release him if proper to do so.” (at 2)

“Because the petitioner is detained at the MVCF, which has been recognized as being in the Western District of Pennsylvania, this court does not have jurisdiction over the instant habeas petition.” (at 3)

FACTUAL BACKGROUND

Gustavo Ferreira Schlaucher de Souza was detained by Immigration and Customs Enforcement at the Moshannon Valley Correctional Facility, also known as the Moshannon Valley Processing Center, in Pennsylvania. He challenged his detention under 8 U.S.C. § 1225(b), contending that due process required his release or a bond hearing and that he should instead be detained under 8 U.S.C. § 1226(a). Although the facility had a Philipsburg mailing address associated with Centre County and the Middle District of Pennsylvania, the facility was physically located in Clearfield County within the Western District of Pennsylvania.

PROCEDURAL HISTORY

The petitioner filed a § 2241 habeas petition in the Middle District of Pennsylvania on May 6, 2026. After screening the petition, the court concluded that it lacked jurisdiction because the petitioner was confined at a facility physically located in Clearfield County, within the Western District of Pennsylvania, and transferred the action under 28 U.S.C. § 1631.

DISPOSITION

transferred

REMAND INSTRUCTIONS

The Clerk was directed to transfer the action to the United States District Court for the Western District of Pennsylvania and close the case in the Middle District of Pennsylvania.

CASES CITED

- Lonchar v. Thomas, 517 U.S. 314, 320 (1996)
- McFarland v. Scott, 512 U.S. 849, 856 (1994)
- Rumsfeld v. Padilla, 542 U.S. 426, 434-35, 445 (2004)
- Braden v. 30th Judicial Circuit Court of Ky., 410 U.S. 484, 495 (1973)
- Tsoukalas v. United States, 215 F. App'x 152 (3d Cir. 2007)
- United States v. Banks, 372 F. App'x 237, 239 (3d Cir. 2010)

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