

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PRECEDENTIAL VALUE	Unpublished district court memorandum; limited persuasive value.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

federal habeas corpus

immigration detention

subject matter jurisdiction

venue

civil procedure

PRACTICE AREAS

federal habeas corpus

immigration detention

civil procedure

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)

OPINION

Superintendent

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA

GUSTAVO FERREIRA :

SCHLAUCHER DE SOUZA,

Petitioner CIVIL ACTION NO. 3:26-1213

v. (JUDGE MANNION)

SUPERINTENDENT, Moshannon Valley Processing Center, et al., : Respondents :

MEMORANDUM

Pending before the court is a petition for a writ of habeas corpus under 28 U.S.C. §2241. For the reasons stated below, the court will direct that the matter be transferred to the United States District Court for the Western District of Pennsylvania and direct the Clerk of Court to close the case in this court. By way of relevant background, on May 6, 2026, the petitioner filed the instant action in this district seeking his immediate release from Immigration and Customs Enforcement (“ICE”) custody, or alternatively, to provide him a bond hearing. (Doc. 1 at 2). The petitioner claims that his detention under 8 U.S.C. §1225(b) is improper and violates due process, and that he should be properly detained under 8 U.S.C. §1226(a). *Id.* District courts are obligated to screen habeas petitions pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. See R. 4, 28 U.S.C. foll. §2254 (“The clerk must promptly forward the petition to a judge under the court’s assignment procedure, and the court must promptly examine

it.”). Rule 4 may be applied in habeas cases brought under Section 2241. See R. 1(b), 28 U.S.C. foll. §2254 (“The district court may apply any or all of these rules to a habeas corpus petition not covered by Rule 1(a)).”). “[A] district court is authorized to dismiss a [habeas] petition summarily when it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court.” *Lonchar v. Thomas*, 517 U.S. 314, 320 (1996); see also *McFarland v. Scott*, 512 U.S. 849, 856 (1994) (“Federal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face.”). 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. *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (quoting 28 U.S.C. §§2242, 2243). Moreover, “the court issuing the writ [must] have jurisdiction over the custodian.” *Id.* (quoting *Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 495 (1973)). Therefore, the custodian must be within the territorial jurisdiction of the court issuing the writ. *Id.* at 445. The petitioner is currently confined at the Moshannon Valley Correctional Facility (“MVCF”) (a/k/a the Moshannon Valley Processing Center) in Phillipsburg, Pennsylvania. (Doc. 1 at 1). While the MVCF has an address in Phillipsburg which is located in Centre County within the Middle District of Pennsylvania, the actual facility is situated in Clearfield County which is located in the Western District of Pennsylvania. The United States Court of Appeals for the Third Circuit has agreed that individuals confined at the MVCF seeking habeas relief must file their petition in the Western District of Pennsylvania, which is the district having jurisdiction over the petitioner’s custodian. See *Tsoukalas v. United States*, 215 F. App’x 152 (3d Cir. 2007). 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. Although this court lacks jurisdiction over the instant petition, it may transfer the action to another federal court that does have jurisdiction if it is in the interest of justice to do so. See 28 U.S.C. §1631. “In determining whether transfer is ‘in the interest of justice,’ courts have considered whether the failure to transfer would prejudice the litigant, whether the litigant filed the original action in good faith, and other equitable factors.” *United States v. Banks*, 372 F. App’x 237, 239 (3d Cir. 2010). In this case, the court finds that it would be in the interest of justice to transfer this action to the Western District of Pennsylvania. Given the confusion of the address of the MVCF and its actual physical location, there is no indication that the petition was filed in this court in bad faith. Moreover, there does not appear to be any equitable factors that would weigh against transferring the action. For the reasons set forth above, the court will transfer the instant action to the United States District Court for the Western District of Pennsylvania and direct that the case be closed in this district. An appropriate order shall issue. s/ Malachy E. Mannion

MALACHY E. MANNION

United States District Judge DATE: May 6, 2026 26-1213-01

