

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

**Fatih Yilmaz v. Michael Rose, Field Office Director of Enforcement
and Removal Operations, Philadelphia Field Office, Immigration and
Customs Enforcement, et al.**

Yilmaz · No. 3:26-321 · Decided February 13, 2026

SUMMARY

The court considers Fatih Yilmaz’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention and the denial of a bond redetermination hearing. The court concludes that jurisdiction lies in the Western District of Pennsylvania because the petitioner is confined at the Moshannon Valley Correctional Facility in Clearfield County. The court transfers the action to that district under 28 U.S.C. § 1631 and directs the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Alachy E. Mannion
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	February 13, 2026
DOCKET	3:26-321
DISPOSITION	remanded
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 transferred sua sponte to the United States District Court for the Western District of Pennsylvania for lack of jurisdiction over the petitioner's custodian.
STANDARD OF REVIEW	Under Rule 4, as applied to a § 2241 petition through Rule 1(b), the court may summarily dismiss or otherwise screen a habeas petition when the petition and its exhibits plainly show that the petitioner is not entitled to relief in the district court. The court reviewed its territorial jurisdiction over the petitioner's custodian.
PRECEDENTIAL VALUE	unpublished

PARTIES

Fatih Yilmaz v. Michael Rose, Field Office Director of Enforcement and Removal Operations, Philadelphia Field Office, Immigration and Customs Enforcement, et al.

TOPICS

immigration detention

subject matter jurisdiction

removal proceedings

civil procedure

PRACTICE AREAS

immigration law

federal habeas corpus

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the Middle District of Pennsylvania had jurisdiction over a § 2241 habeas petition filed by an alien detained at the Moshannon Valley Correctional Facility.
2. Whether the action should be transferred under 28 U.S.C. § 1631 to the Western District of Pennsylvania in the interest of justice.

HOLDINGS

1. The Middle District of Pennsylvania lacked jurisdiction over the § 2241 petition because the petitioner's custodian was located within the territorial jurisdiction of the Western District of Pennsylvania.
2. The court transferred the action to the Western District of Pennsylvania because transfer, rather than dismissal, was in the interest of justice.

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)

“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.” (at 4)

FACTUAL BACKGROUND

Yilmaz was detained at the Moshannon Valley Correctional Facility, also known as the Moshannon Valley Processing Center, in Phillipsburg, Pennsylvania. Although the facility's mailing address is in Centre County, its physical location is in Clearfield County, which lies within the Western District of Pennsylvania. His petition challenged detention under INA § 235(b)(2), the application of federal bond regulations, and the absence of a bond redetermination hearing.

PROCEDURAL HISTORY

Yilmaz filed a § 2241 habeas petition in the Middle District of Pennsylvania challenging his continued immigration detention, the application of INA § 235(b)(2), the bond regulations, and the lack of a bond redetermination hearing. After screening the petition, the court concluded that Yilmaz was confined at the

Moshannon Valley Correctional Facility in Clearfield County, within the Western District of Pennsylvania, and that the Middle District lacked jurisdiction over his custodian. The court transferred the action under 28 U.S.C. § 1631 and directed the Clerk to close the case in the Middle District.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was transferred, not remanded, to the United States District Court for the Western District of Pennsylvania. The Clerk was directed to 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

YILMAZ

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA

FATIH YILMAZ, : Petitioner : CIVIL ACTION NO. 3:26-321

V. (JUDGE MANNION)

MICHAEL ROSE, Field Office : Director of Enforcement and Removal Operations, : Philadelphia Field Office, immigration and Customs : Enforcement, et al., Respondents

MEMORANDUM

Presently 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 February 10, 2026, counsel for the petitioner filed the instant action in this district claiming that the application of §1225(b)(2) of the Immigration and Nationality Act (“INA”) to the petitioner unlawfully mandates the petitioner's continued detention and violates the INA. Further, counsel argues that the application of §1225(b)(2) to the petitioner is a violation of the bond regulations found at 8 C.F.R. §§236.1, 1236.1 and 1003.19. Finally, counsel argues that the government’s detention of the petitioner without a bond

redetermination hearing to determine whether he is a flight risk or danger to others violates his right of due process. The filing fee has been submitted. 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.”). ~ Bx 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.” /d. (quoting *Braden v. 30* 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. /d. at 445. The petitioner, on whose behalf this action is filed, is currently confined at the Moshannon Valley Correctional Facility (“MVCF”) (a/k/a the Moshannon Valley Processing Center) in Phillipsburg, Pennsylvania. (Doc. 1, 8). While the MVCF has an address in Philipsburg 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 -3- 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. _4- 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.

ALACHY E.MANNION

United States District Judge

DATE: 2/3/26

26-321-01 -5-