

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 26-cv-20973-JB

ADRIEL RAMON MESA RODRIGUEZ,
by and through his next friend Arletty Pinero,

Petitioner,

v.

KROME NORTH SERVICE PROCESSING CENTER,

Respondent.

ORDER GRANTING MOTION TO TRANSFER VENUE

THIS CAUSE comes before the Court on Respondents’ Motion to Transfer Venue. ECF No. [7]. Petitioner, through Arletty Pinero in her capacity as next friend, filed a Response in opposition to the Motion. ECF No. [24]. Petitioner also filed a Motion asking the Court to retain jurisdiction and deny transfer. ECF No. [22].

In the Motion, Respondents argue that this Court lacks jurisdiction over the Petition for Writ of Habeas Corpus because, at the time the Petition was filed, Petitioner was detained at the Florida Soft Side Facility in Ochopee, Florida, which is located in the Middle District of Florida. ECF Nos. [7]. Respondents provide a copy of Petitioner’s Detention History Report and a supporting Declaration of Deportation Officer Michael J. Phillips which confirm that Petitioner was detained in Florida Soft Side Facility since at least a week before the Petition was filed, and remained in that facility at the time the Petition was filed. ECF Nos. [7-1], [7-2].

“The plain language of the habeas statute . . . confirms the general rule that

for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement” and the proper respondent is the “immediate custodian” of the petitioner. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). The custody determination, and thus the Court’s jurisdiction, is determined at the time the habeas petition is filed. *Id.* at 439 (holding that proper respondent in habeas action is petitioner’s immediate custodian at the time of filing); *Sierra v. Florida*, No. 3:18-cv-345, 2018 WL 1958403, at * 1 (N.D. FL. March 26, 2018) (“Custody is determined as of the date the habeas petition is filed.”) (citing *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968) (“The federal habeas corpus statute requires that the applicant must be ‘in custody’ when the application for habeas corpus is filed.”)).

The record reflects that Petitioner was confined at the Florida Soft Side Facility in Ochopee, Florida when the Petition was filed. *See* ECF Nos. [7-1], [7-2]. Petitioner does not contest this fact in his Response or Motion. *See* ECF Nos. [22], [24]. Petitioner was subsequently transferred to and is currently detained at the Krome Service Processing Center in Miami, Florida which is within this Court’s jurisdiction. ECF Nos. [28], [28-1]. However, the Court’s jurisdiction is determined as of the date the Petition was filed, at which time Petitioner was detained within the jurisdiction of the Middle District of Florida. As such, transfer of this action to the Middle District of Florida is warranted.

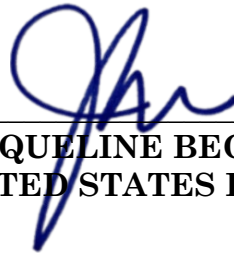
Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Respondents’ Motion to Transfer Venue, ECF No. [7], is **GRANTED**.

2. Petitioner's Motion requesting that the Court retain jurisdiction, ECF No. [22], is **DENIED**.

3. The Clerk is directed to **TRANSFER** the Petition to the Middle District of Florida for all further proceedings. The Clerk is further directed to **CLOSE** this case.

DONE AND ORDERED in Miami, Florida, this 5th day of March, 2026.



JACQUELINE BECERRA
UNITED STATES DISTRICT JUDGE