

RUMSFELD
v.
PADILLA
____ US ____ (April 28, 2004)

Chief Justice REHNQUIST delivered the opinion of the Court.

[A United States citizen, Jose Padilla, a.k.a. Abdullah Al Muhajir, was arrested in Chicago on May 8, 2002 pursuant to a material witness warrant issued by the United States District Court for the Southern District in New York for his connection to Al Qaeda and the September 11th attacks. After a month of detention in New York City, Padilla was transferred from civilian to military custody pursuant to an order from President Bush to Secretary of Defense Rumsfeld identifying Padilla as an “enemy combatant.” Padilla was then transferred to a Navy Brig in Charleston South Carolina, where Commander Marr became his custodian. Two days later, on June 11, 2002, Newman filed a habeas petition in the district court of New York challenging the legality of Padilla’s detention.]

The question whether the Southern District has jurisdiction over Padilla's habeas petition breaks down into two related sub-questions. First, who is the proper respondent to that petition? And second, does the Southern District have jurisdiction over him or her? We address these questions in turn.

I

The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is “the person who has custody over [the petitioner].” The consistent use of the definite article in reference to the custodian indicates that there is generally only one proper respondent to a given prisoner's habeas petition. This custodian, moreover, is “the person” with the ability to produce the prisoner's body before the habeas court.... “[T]hese provisions contemplate a proceeding against some person who has the *immediate custody* of the party detained, with the power to produce the body of such party before the court or judge, that he may be liberated if no sufficient reason is shown to the contrary.” In accord with the statutory language and [the immediate custodian rule of *Wales v. Whitman*, 114 U.S. 564 (1885),] longstanding practice confirms that in habeas challenges to present physical confinement—“core challenges”—the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.

* * *

In *Braden* [*v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484 (1973),] and *Strait* [*v. Laird*, 406 U.S. 341 (1972),] the immediate custodian rule did not apply because *there was no* immediate physical custodian with respect to the “custody” being challenged. [Neither *Braden* nor *Strait* was a challenge to present physical confinement.] That is not the case here: Commander Marr exercises day-to-day control over Padilla's physical custody. We have never intimated that a

habeas petitioner could name someone other than his immediate physical custodian as respondent simply because the challenged physical custody does not arise out of a criminal conviction. Nor can we do so here just because Padilla's physical confinement stems from a military order by the President.

It follows that neither *Braden* nor *Strait* supports the Court of Appeals' conclusion that Secretary Rumsfeld is the proper respondent because he exercises the "legal reality of control" over Padilla. As we have explained, identification of the party exercising legal control only comes into play when there is no immediate physical custodian with respect to the challenged "custody." In challenges to present physical confinement, we reaffirm that the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent....

At first blush *Ex parte Endo*, 323 U.S. 283 (1944), might seem to lend support to Padilla's "legal control" argument.... *Endo* stands for the important but limited proposition that when the Government moves a habeas petitioner after she properly files a petition naming her immediate custodian, the District Court retains jurisdiction and may direct the writ to any respondent within its jurisdiction who has legal authority to effectuate the prisoner's release.

Endo's holding does not help respondents here. Padilla was moved from New York to South Carolina before his lawyer filed a habeas petition on his behalf. Unlike the District Court in *Endo*, therefore, the Southern District never acquired jurisdiction over Padilla's petition.

Padilla's argument reduces to a request for a new exception to the immediate custodian rule based upon the "unique facts" of this case. While Padilla's detention is undeniably unique in many respects, it is at bottom a simple challenge to physical custody imposed by the Executive—the traditional core of the Great Writ. There is no indication that there was any attempt to manipulate behind Padilla's transfer—he was taken to the same facility where other al Qaeda members were already being held, and the Government did not attempt to hide from Padilla's lawyer where it had taken him. His detention is thus not unique in any way that would provide arguable basis for a departure from the immediate custodian rule. Accordingly, we hold that Commander Marr, not Secretary Rumsfeld, is Padilla's custodian and the proper respondent to his habeas petition.

II

We turn now to the second sub-question. District courts are limited to granting habeas relief "within their respective jurisdictions." We have interpreted this language to require "nothing more than that the court issuing the writ have jurisdiction over the custodian." Thus, jurisdiction over Padilla's habeas petition lies in the Southern District only if it has jurisdiction over Commander Marr. We conclude it does not.

* * *

Here ... Padilla seeks to challenge his present physical custody in South Carolina. Because the immediate-custodian rule applies to such habeas challenges, the proper respondent is Commander Marr, who is also present in South Carolina. There is thus no occasion to designate a "nominal" custodian and determine whether he or she is "present" in the same district as

petitioner. Under *Braden* and the district of confinement rule, as we have explained, Padilla must file his habeas action in South Carolina. . . .

This rule, derived from the terms of the habeas statute, serves the important purpose of preventing forum shopping by habeas petitioners. Without it, a prisoner could name a high-level supervisory official as respondent and then sue that person wherever he is amenable to long-arm jurisdiction. The result would be rampant forum shopping, district courts with overlapping jurisdiction, and the very inconvenience, expense, and embarrassment Congress sought to avoid when it added the jurisdictional limitation 137 years ago.

* * *

The District of South Carolina, not the Southern District of New York, was the district court in which Padilla should have brought his habeas petition. We therefore reverse the judgment of the Court of Appeals and remand the case for entry of an order of dismissal without prejudice.

It is so ordered.

Justice STEVENS, with whom Justice SOUTER, Justice GINSBURG, and Justice BREYER join, dissenting.

[Justice Stevens would have ruled that Padilla’s habeas petition had been properly filed in the Southern District of New York. He then proceeded to the merits of habeas review.]

* * *

III

Whether respondent is entitled to immediate release is a question that reasonable jurists may answer in different ways. [FN8] There is, however, only one possible answer to the question whether he is entitled to a hearing on the justification for his detention.

At stake in this case is nothing less than the essence of a free society. Even more important than the method of selecting the people’s rulers and their successors is the character of the constraints imposed on the Executive by the rule of law. Unconstrained Executive detention for the purpose of investigating and preventing subversive activity is the hallmark of the Star Chamber. Access to counsel for the purpose of protecting the citizen from official mistakes and mistreatment is the hallmark of due process.

Executive detention of subversive citizens, like detention of enemy soldiers to keep them off the battlefield, may sometimes be justified to prevent persons from launching or becoming missiles of destruction. It may not, however, be justified by the naked interest in using unlawful procedures to extract information. Incommunicado detention for months on end is such a procedure. Whether the information so procured is more or less reliable than that acquired by more extreme forms of torture is of no consequence. For if this Nation is to remain true to the ideals symbolized by its flag, it must not wield the tools of tyrants even to resist an assault by the forces of tyranny.

I respectfully dissent.

[FN8] Consistent with the judgment of the Court of Appeals, I believe that the Non-Detention Act, 18 U.S.C. § 4001(a), prohibits—and the Authorization for Use of Military Force Joint Resolution, 115 Stat. 224, adopted on September 18, 2001, does not authorize—the protracted, incommunicado detention of American citizens arrested in the United States.