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May 12, 2025

Via ECF

Honorable Pamela K. Chen
United States Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn New York 11201

Re: L.G.M. v. LaRocco, et al., No. 2:25-cv-02631-PKC

Dear Judge Chen:

We represent Petitioner, L.G.M., in his Petition for a Writ of Habeas Corpus filed on May 9, 2025. Your Honor issued a Scheduling Order today for a hearing on the requested relief on Tuesday, May 13, 2025.¹ As part of the Order, your honor instructed the Government “not to remove Plaintiff from this district until further order from the Court.” This Letter Brief is submitted to update the Court on L.G.M.’s physical location and to seek the Court to order and compel L.G.M.’s transfer back to this district.

On Friday May 9, 2025, at or around 5:00pm, Petitioner filed a Writ of Habeas Corpus to challenge his prolonged detention by Immigration and Customs Enforcement (“ICE”). ECF Doc. 1. L.G.M. raises procedural and substantive due process claims in his habeas petition in line with the Second Circuit’s opinion in *Black v. Decker*, 103 F.4th 133 (2d Cir. 2024). After filing all opening documents, undersigned counsel reached out to the U.S. Attorney’s Office for the Eastern District of New York (“AUSA”) by email to notify the Respondents of the filing and to discuss the request that L.G.M. not be removed from the district over the weekend, or until the Court had an opportunity to review the Petition, and to preserve the status quo in light of the habeas filing. *See* Exhibit A, Email Correspondence. Undersigned counsel spoke by phone with AUSA Price and AUSA Knapp in at or around 8:00pm that evening. At or around 10:00pm, AUSA James Knapp responded that “ICE will not agree to Petitioner’s request.” *See Id.* At the time of filing the habeas petition, and at all times throughout the evening on Friday, May 9, 2025, the ICE online detainee

¹ Due to the fast-evolving nature of this petition, undersigned counsel files this Letter to the Court. However, undersigned counsel can prepare a formal Motion and supporting Memorandum of Law at Your Honor’s preference.

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locator reflected L.G.M.'s physical location as the Nassau County Correctional Facility.² *See* Exhibit B, ICE detainee locator screen shot 5/9/25. As of this morning, May 12, 2025, the ICE detainee locator reflects L.G.M.'s physical location as the Pine Prairie Correctional Facility in Louisiana. *See* Exhibit C, ICE detainee locator screen shot 5/12/25.

In order to preserve the status quo in this case, to comply with the spirit of this Court's order, and in the interests of justice, Petitioner seeks an order from this Court for the return of L.G.M. to the physical jurisdiction of this Court. L.G.M. has resided in New York since he arrived to the United States at the age of 16. *See* Doc. 1, ¶ 6. L.G.M. has been detained by ICE at the Orange County Jail ("OCJ") in Goshen, New York since August 16, 2024. *Id.* During that time, L.G.M. obtained *pro bono* counsel from the Bronx Defenders through the New York Immigrant Family Unity Project ("NYIFUP"). *See* Doc. 1-2, Hesser Decl. ¶ 2.³ For the past nine months, L.G.M. has worked with his counsel to submit thousands of pages of documents and dozens of hours of testimony before the Varick Street Immigration Court in Lower Manhattan. *See id.*, ¶¶ 17-23. On or around May 8, 2025, L.G.M. was transferred from OCJ to ICE custody at Nassau County Correctional ("Nassau"). At some point over the past two days, L.G.M. has been transferred by ICE to Louisiana, despite the fact that Respondents had sufficient notice and opportunity to preserve the status quo in the habeas petition. Petitioner therefore seeks an order that Respondents transfer L.G.M. back to the physical jurisdiction of this Court. *See Ozturk v. Hyde*, No. 25-1019, 2025 WL 1318154, at *1 (2d Cir. May 7, 2025) (Ordering the government to comply with the district court's transfer order within one week, "To support the Court's resolution of these issues, the Court orders that Ms. Öztürk be physically transferred to ICE custody within the District of Vermont no later than May 14, 2025.").

Thank you for your consideration of this submission.

² On the ICE detainee locator on 5/9/25, the "Current Detention Facility" stated, "Call Field Office" but underneath listed the address for the Nassau County Correctional Facility, 100 Carman Ave, East Meadow, NY 11554. The detainee locator also reflected that L.G.M. was under the jurisdiction of the Enforcement and Removal Office (ERO) in New York City.

³ The declaration of Gwyneth Hesser, Esq. was filed with a Motion for Leave to File Under Seal. Counsel for Respondents has been provided a copy of the full, unsealed declaration.

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Respectfully submitted,

/s/ Elyssa N. Williams

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cc: James Knapp