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June 20, 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:

Undersigned counsel for Petitioner, L.G.M., respectfully seeks an order from this Court requiring government Respondents to produce L.G.M. at the hearing scheduled for next Friday, June 27, 2025.¹ Petitioner further brings to the Court's attention that L.G.M. will require English to Spanish translation during such hearing.

On May 12, 2025, this Court granted Petitioner's request for transfer back to New York from Louisiana and ordered "that Petitioner be physically transferred in ICE custody to the Eastern District of New York by May 19, 2025." *See* May 12, 2025 Docket Order. Government Respondents represented that the Nassau Country Correctional Center - the detention location of L.G.M. at the time of filing this habeas petition - could not "house L.G.M. for more than 72 hours" in ICE custody and continued to "explore options to transfer Petitioner close to the E.D.N.Y. per the Court's directive." ECF. 14. Ultimately, on or about May 21, 2025 the government Respondents secured space for L.G.M. at the Buffalo Service Processing Center in Batavia, New York. ECF 15. Thereafter, this Court issued an order on May 23, 2025, requesting "that the Federal Respondents not move Petitioner from the Batavia facility during the pendency of this case," and seeking three days notice if Respondents believed a move was necessary. *See* May 23, 2025 Docket Order.

A hearing is scheduled before this Court for June 27, 2025. *Id.* At the hearing, the Court will hear oral argument regarding the appropriate relief in this case, specifically whether a federal court bail

¹ Undersigned counsel recently contacted counsel for Respondents to obtain their position on this request. However, as of the time of filing, a response has not been received. Undersigned counsel nonetheless files this request to ensure sufficient time to coordinate Petitioner's presence, if so ordered by the Court.

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hearing or an immigration judge bond hearing is the appropriate remedy. *See* May 23, 2025 Docket Order; ECF 23. As set forth in Petitioner's requests for transfer, ECF 8, 18, and in the Court's order granting transfer, L.G.M.'s presence is appropriate to ensure that he has a meaningful opportunity to participate in the proceedings, which directly relate to his due process claims and challenges to his unconstitutional detention. *See Ozturk v. Hyde*, No. 25-1019, 2025 WL 1318154, *7 (2d Cir. May 7, 2025) ("The district court undeniably has an inherent authority to protect its proceedings.") (quoting *Degen v. United States*, 517 U.S. 820, 823 (1996)). It is a basic tenant of federal habeas corpus jurisdiction that the "body of the person detained" be presented before the Court. *See* 28 U.S.C. § 2243 ("[T]he person to whom the writ is directed shall be required to produce at the hearing the body of the person detained."). *See also*, Exhibit A, *Capunay Guzman v. Joyce*, 1:25-cv-04777-RA (S.D.N.Y. June 13, 2025) (Ordering Respondents "to transfer Petitioner to the Southern District of New York forthwith, and to produce him before this Court at the hearing scheduled for June 17, 2025. . .")

Therefore, to give further effect to the Court's orders and to ensure due process, *see Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) ("[t]he fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner"); *see also, Jennings v. Rodriguez*, 583 U.S. 281, 314 (2018) (instructing that "due process is flexible,... and ... calls for such procedural protections as the particular situation demands") (internal citations omitted), Petitioner respectfully seeks an order for government Respondents to produce L.G.M.² and to ensure his physical presence at the hearing before this Court on Friday, June 27, 2025 at 10:00am.

Respectfully submitted,

FOR THE PETITIONER

/s/ Elyssa N. Williams

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² Immigration removal defense counsel has discussed with L.G.M. that he will face many hours of transportation from Buffalo to Brooklyn and that he will be held in unknown facilities before, during and after transportation, if this request is granted. L.G.M. understands these facts and nonetheless wishes to be present for proceedings before this Court on his petition for writ of habeas corpus.

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DERWIN CAPUNAY GUZMAN,

Petitioner,

v.

WILLIAM P. JOYCE, *in his official capacity as
Acting Field Office Director, New York City Field
Office, U.S. Immigration & Customs Enforcement*;
KRISTI NOEM, *in her official capacity as
Secretary, U.S. Department of Homeland Security*,
PAMELA BONDI, *in her official capacity as
Attorney General, U.S. Department of Justice*,

Defendant.

25-CV-4777 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Shortly before midnight on June 5, 2025, Petitioner Derwin Capunay Guzman filed a petition for a writ of habeas corpus, seeking immediate release from immigration detention (the “Petition”). At the time the Petition was filed, Petitioner was located in the Southern District of New York, *see* Canales Decl. ¶¶ 14–15, ECF No. 10, providing this Court jurisdiction, *see Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). Approximately six hours later, before this Court even received notice it was assigned the case, Respondents transferred him to a facility in Louisiana. Canales Decl. ¶ 15. On Monday, June 9, 2025, the Court, believing Petitioner was still in the district, issued an Order to Show Cause that, in relevant part, restrained Respondents from transferring him out of the district pending resolution of the Petition. *See* ECF No. 3. Before the Court is Petitioner’s motion to compel Respondents to return him to this district pending the resolution of the Petition. *See* ECF No. 4. Respondents oppose the motion. *See* ECF No. 9.

Last month, in *Ozturk v. Hyde*, the Second Circuit held that, where a habeas petitioner has been transferred out of the district that has jurisdiction over his petition, the court may order

him returned to the district to “provide [him] ready access to legal . . . services,” to “expedite resolution of [the] matter,” and to ensure his “ability to participate meaningfully in [his] habeas proceedings.” 136 F.4th 382, 402–03 (2d Cir. 2025). Additionally, a court may order a petitioner’s transfer in order to “effectuate” its prior order aimed at preserving the status quo at the time the petition was filed. *See id.* at 402–03. Counsel for Petitioner contend that all the above considerations are present here. The Court agrees and is unpersuaded by Respondents’ objections concerning the logistical difficulty of returning Petitioner to this district. *See id.* at 403.

Accordingly, Respondents are hereby ordered to transfer Petitioner to the Southern District of New York forthwith, and to produce him before this Court at the hearing scheduled for June 17, 2025 at 9:00 a.m. in Courtroom 1506 of the Thurgood Marshall United States Courthouse, 40 Foley Sq., New York, NY 10007. *See* 28 U.S.C. § 2243 (“[T]he person to whom the writ is directed shall be required to produce at the hearing the body of the person detained.”); *Ozturk*, 136 F.4th at 402–03. No later than 12:00 p.m. on June 16, 2025, Respondents shall submit a letter confirming their compliance with this Order.

SO ORDERED.

Dated: June 13, 2025
New York, New York



Ronnie Abrams
United States District Judge