U.S. Department of Justice

United States Attorney
Eastern District of New York

610 Federal Plaza
Central Islip, New York 11722

January 9, 2026

Honorable Gary R. Brown
United States District Court Judge
100 Federal Plaza
Central Islip, New York 11722

Re: *Zavala v. Noem, et.al.*, 25-cv-7011 (Brown, J.)

Dear Judge Brown:

This Office represents Respondents in the above petition for habeas corpus (the "Petition") filed by Petitioner Yanez Zavala ("Petitioner") on December 22, 2025 in the Eastern District of New York. On December 23, 2025, Your Honor held a bond hearing that resulted in an order for Petitioner's release from detention. Petitioner was released from detention on December 23, 2025 and remains free on bond.

To the extent that a response to the Court's December 22, 2025 order to show cause is still required, Respondents respectfully submit that the Petition should be dismissed. This action is now moot as of the time Petitioner was released from ICE custody, because he has received the relief sought, *i.e.*, his release from detention. *Leybinsky v. U.S. Immigr. & Customs Enf't*, 553 F. App'x 108, 109 (2d Cir. 2014)(finding case was moot because "[o]ur analysis begins—and ends—with whether Leybinsky's petition is moot given his release from ICE custody on August 30, 2010. Under Article III of the U.S. Constitution, when a case becomes moot, the federal courts lack subject matter jurisdiction over the action."). Indeed, just this week in *Loyola v. Lyons, et al.*, No. 25-cv-6820, Judge Azrack reached this conclusion and dismissed a habeas petition as moot where the government informed the Court that the petitioner was already released. *See* Docket Entry dated January 6, 2026. This Court should do the same.

Should the Court deem this action not moot and determine that a substantive response to the Petition is still required, this action should be transferred to the District of New Jersey. As the Court was previously advised, at the time the Petition was filed on December 22, 2025, Petitioner was detained in New Jersey. Docket Entry No. 6. Accordingly, the District of New Jersey is the proper forum to adjudicate the Petition.

An action that challenges the validity of an individual's detention "falls within the 'core' of the writ of habeas corpus and thus must be brought in habeas". *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025). In this action, Petitioner challenges the validity of his detention. Therefore, this action "must be brought in habeas", and is subject to the jurisdictional limits applicable to habeas actions. *J.G.G.*, 604 U.S. at 672 (holding that habeas actions must be brought in the district of confinement).

A person who files a habeas petition to challenge detention must file the petition in the district where she is detained at the time the petition is filed. *Ozturk v. Hyde*, 136 F.4th 382, 390-91 (2d Cir. 2025) (district court properly transferred habeas action to the district in which Ozturk was detained at the time her attorneys filed the petition); *Khalil v. Joyce*, 771 F. Supp. 3d 268, 273 (S.D.N.Y. 2025) (Furman. J.) (holding that the proper venue to file a habeas petition is the district in which the petitioner was detained at the time of filing). If a habeas action is commenced in a district other than the one in which the petitioner was detained at the time the action was commenced, the court in which the action was commenced should transfer the action to the district where the petitioner was detained at the time the action was commenced. *See Ozturk*, 136 F.4th at 340-41 (rejecting challenge to district court's transfer of action to the district where Ozturk was detained at the time the action was commenced). In *Khalil,* 771 F. Supp. 3d at 279, the court transferred that action from the Southern District of New York to the District of New Jersey pursuant to 28 U.S.C. § 1406(a) because Khalil was detained in New Jersey at the time of the filing of that action. And, recently the Honorable Joanna Seybert *sua sponte* transferred an immigration habeas action to the District of New Jersey because the petitioner was detained in that district at the time the action was commenced. *Quijada Melara v. ICE*, No. 25-cv-7086 (E.D.N.Y.) (Dec. 29, 2025 Electronic Order) (Seybert, J.) (citing *Ozturk*, 136 F.4th at 340 and *United States v. Sternquist*, No. 22-cr-473, 2025 WL 3240234, at *1 (E.D.N.Y. Nov. 20, 2025) (Irizarry, J.)).

Under these circumstances, Respondents respectfully submit that, should the Court determine that this action is not moot for the reasons set forth above, this action should not proceed here in the Eastern District of New York, *Khalil,* 771 F. Supp. 3d at 279, and should instead be transferred to the District of New Jersey pursuant to 28 U.S.C. § 1406(a).[1] *See Ozturk*, 136 F.4th at 340-41; *Khalil,* 771 F. Supp. 3d at 279; *Skripnikov v. U.S. ICE*, Civil No. 25-2400, 2025 WL 3471449, at *1 (E.D. La. Dec. 3, 2025) (transferring to the Western District of Louisiana a habeas action commenced by an immigration detainee who was detained at RCC). Thank you for your consideration of this matter.

Respectfully submitted

JOSEPH NOCELLA, JR.
United States Attorney

By: /s/ *Robert W. Schumacher*
Robert W. Schumacher
Assistant U.S. Attorney
(631) 715-7871
robert.schumacher@usdoj.gov

[1] This argument did not previously persuade the Court to adjourn the December 23, 2025 bond hearing. Docket Entry dated December 23, 2025. However, for the reasons set forth above, to the extent a substantive response is required to the Petition—particularly in light of the fact the Petitioner has been released—this matter should be adjudicated by the District of New Jersey.