U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 8, 2026

By ECF
The Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Alecio Grijalva v. Noem*, No. 26-cv-135 (JGK)

Dear Judge Koeltl:

This Office represents the government in the above-referenced habeas corpus action, which was filed yesterday evening. I write respectfully to advise the Court that venue is improper in the Southern District of New York, and to request that the case be transferred to the Eastern District of New York, for the reasons set forth below.

U.S. Immigration and Customs Enforcement ("ICE") has informed this office that it arrested the petitioner in Nassau County, and thereafter transferred the petitioner to the Nassau County Correctional Center in East Meadow, New York. At the time this habeas petition was filed yesterday, petitioner was still located at the Nassau County facility. Indeed, the petition admits this in his petition. Pet. ¶ 3 ("Petitioner is being detained at Nassau County Correctional Center in East Meadow, NY."). Thus, the petitioner was not present in the Southern District of New York at the time the habeas petition was filed.

Given the foregoing, this Court lacks habeas jurisdiction over this matter, as venue is improper in the Southern District of New York. *See Rumsfeld v. Padilla*, 542 U.S. 426, 437 (2004) ("Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement."); *accord Trump v. J.G.G.*, 604 U.S. 670, 674 (2025) ("For core habeas petitions, jurisdiction lies in only one district: the district of confinement." (cleaned up)); *Khalil v. Joyce*, 771 F. Supp. 3d 268, 280–86 (S.D.N.Y. 2025) (holding that court lacked habeas jurisdiction where petitioner was transferred from 26 Federal Plaza to a facility in the District of New Jersey prior to filing of the petition). Venue is proper only in the Eastern District of New York.

Accordingly, to avoid delay in having this matter heard by the proper court, I respectfully request that the Court promptly transfer this case to the U.S. District Court for the Eastern District of New York, and waive the seven-day waiting period in Local Civil Rule 83.1.

I thank the Court for its consideration of this submission.

Respectfully submitted,

JAY CLAYTON
United States Attorney for the
Southern District of New York

By: */s/ Brandon M. Waterman*
BRANDON M. WATERMAN
Assistant United States Attorney
Telephone: (212) 637-2743
E-mail: brandon.waterman@usdoj.gov

cc: Counsel of Record (by ECF)