Law Offices of
Edward Cuccia

EDWARD J. CUCCIA, ESQ. YUYING ZHU, ESQ. WILFREDO SUAREZ, ESQ.

February 3, 2026

To:
Honorable Eric Komitee
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: *Huang v. Bondi, et. al.* No. 1:26-cv-00406-EK

LETTER IN RESPONSE TO ORDER REGARDING VENUE

Dear Honorable Judge Komitee,

The Law Offices of Edward J. Cuccia currently represent Ai Ming Huang in her Petition for a Writ of Habeas Corpus (1:26-cv-00406) before this Court.

This letter is submitted in response to Honorable Judge Eric Komitee's Order. *See* Dkt. 10, pg 2. Judge Komitee requested a letter explaining why venue is appropriate in this District in light of (a) Supreme Court and Second Circuit precedent, (b) traditional principles governing venue, and (c) specific facts and evidence in this case. *See id.*

(a) Supreme Court and Second Circuit precedent

Venue for "core" Habeas challenges is proper in the district of confinement, because the proper respondent is the warden of the facility where the prisoner is being held. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). "Core" Habeas challenges concern those that necessarily challenge the validity or duration of confinement. *See Wilkinson v. Dotson,* 544 U.S. 74, 81-2 (2005).

Petitioner explicitly does not challenge the validity or duration of her confinement. *See* Dkt. 1, pg. 2. Petitioner's challenge is not necessarily a challenge to the validity of her confinement—she is a noncitizen unlawfully present in the United States, and may be detained pursuant to 8 U.S.C. § 1226(a).

In the 2nd Circuit, a majority of courts have held the district of confinement rule does not apply when challenging forms of custody other than present physical confinement. *See S.N.C. v. Sessions*, 325 F.Supp.3d 401, 406-7 & n. 6 (S.D.N.Y. 2018) (collecting cases) *and Somir v.United States*, 354 F.Supp.2d 215, 217 & n. 2 (E.D.N.Y 2005) (collecting cases). Petitioner named Attorney General Pamela Bondi as a Respondent, and the foregoing 2nd Circuit precedent indicates that was proper. Therefore, in the light of Supreme Court and 2nd Circuit precedent, Petitioner's "non-core" challenge in the immediate district is presumptively proper.

Law Offices of
Edward Cuccia

EDWARD J. CUCCIA, ESQ. YUYING ZHU, ESQ. WILFREDO SUAREZ, ESQ.

(b) Traditional principles governing venue

Except as otherwise provided by law, a civil action in which a defendant is an officer or employee of the United States may be brought in any judicial district in which (A) a defendant in the action resides, (B) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (C) the plaintiff resides if no real property is involved in the action. *See* 28 U.S.C. § 1391(e)(1).

Since the Attorney General is a defendant in this case, and Petitioner has resided in Brooklyn (ZIP 11220) with her spouse since 2005, venue is proper under 28 U.S.C. § 1391(e)(1)(C). Petitioner will additionally address the substantial events giving rise to this claim that have occurred below.

(c) Specific facts and evidence in this case

As stated above, Petitioner has resided in Brooklyn (11220) with her spouse since 2005. Petitioner stated on her I-130, Petition for Alien Relative, submitted on her behalf that she would apply for adjustment of status at the U.S. Citizenship and Immigration Services office in Brooklyn, New York. The "Brooklyn Field Office" servicing applicants in Petitioner's ZIP code is located on the 8th Floor of 26 Federal Plaza. *See* https://www.uscis.gov/about-us/find-a-uscis-office/field-offices ("Search by ZIP code" 11220). Petitioner was detained at the USCIS Field Office, which is located at 26 Federal Plaza.

Petitioner respects the Court's position on venue. Petitioner thanks the Court for its attention and consideration of this matter.

Respectfully submitted,

/s/ Edward J. Cuccia

Edward J. Cuccia, Esq.
Edward Cuccia PC
195 Centre Street 2nd Floor
New York, NY 10013