U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 21, 2026

By ECF
The Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Menjvar Giron v. Genalo*, No. 26-cv-2324 (LJL)

Dear Judge Liman:

This Office represents the government in the above-referenced habeas corpus action, which was filed on Friday, March 20. 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 promptly transferred to the Eastern District of New York, for the reasons set forth below.

On March 19, 2026, officers from U.S. Immigration and Customs Enforcement's ("ICE") Long Island Fugitive Operations arrested Petitioner at the Nassau County Department of Probation in Mineola, New York. Following his arrest, ICE transported Petitioner to 100 Carman Avenue, East Meadow, New York, for further processing. On the same date, Petitioner was booked into the Nassau County Correctional Center in East Meadow, New York. On March 20, 2026, at 4:22 p.m., while he was detained at the Nassau County Correctional Center, Petitioner filed the instant habeas petition in this Court. ECF No. 1.

Given the foregoing, this Court lacks habeas jurisdiction over this matter, as venue is improper in the Southern District of New York. The Supreme Court has made clear that in "core" habeas petitions—*i.e.*, petitions like the instant one that challenges the petitioner's present physical confinement—the petitioner must file the petition in the district in which he is confined (*i.e.*, the district of confinement) and name his warden as the respondent. *See Rumsfeld v. Padilla*, 542 U.S. 426, 437 (2004); *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)); *Öztürk v. Hyde*, 136 F.4th 382, 391 (2d Cir. 2025) (same). Petitioner was not present or detained within the Southern District of New York at the time this action was filed. Rather, at the time the petition was filed, Petitioner was detained at the Nassau County Correctional Center, which is located within the Eastern District of New York. Petitioner's location at the time of filing is dispositive. Thus, this Court did not acquire habeas jurisdiction over this matter, and venue is improper in this district. 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 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
86 Chambers Street, Third Floor
New York, New York 10007
Telephone: (212) 637-2743
E-mail: brandon.waterman@usdoj.gov

cc: Counsel of Record (by ECF)