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June 30, 2026

VIA CM/ECF
Hon. Brenda K. Sannes
U.S. District Judge
Federal Building and U.S. Courthouse
P.O. Box 7336
Syracuse NY 13261-7336

RE: *Saeteros v. Warden, et al.*
Civil Action No. 9:26-cv-01220 (BKS)

Dear Judge Sannes:

Respondents respectfully submit this status report in accordance with the Court's June 26, 2026 Text Order directing the parties to provide an update regarding Petitioner's bond hearing and removal proceedings. *See* Dkt. 9. Additionally, in light of the outcome of the bond hearing, as set forth below, if the Court is inclined to keep this civil action open, Respondents respectfully request that the Court modify its Order, Dkt. No. 2, to permit Petitioner's detention within either the Northern District of New York or the Western District of New York during the pendency of this action.

On June 17, 2026, this Court ordered Respondents to provide Petitioner a bond hearing by June 23, 2026,[1] at which the Government would bear the burden of proving, by clear and convincing evidence, that Petitioner is a danger to the community or presents a flight risk that cannot be mitigated by reasonable conditions of supervision or a monetary bond. *See* Dkt. 6.

Counsel for ICE informs me a bond hearing was held on June 26, 2026, at which the Government bore the burden of proof. The Immigration Judge ordered the petitioner's release on an $8,000 bond and placement in the Alternatives to Detention ("ATD") program. A copy of the Immigration Judge's order is attached.

[1] On June 23, 2026, the parties appeared for the custody redetermination hearing. At the Petitioner's request, the hearing was adjourned to June 26, 2026.

At the hearing, the Government argued that the petitioner posed a flight risk based on her lack of family ties, lack of a viable path to remain in the United States, unclear employment history, lack of a sponsor, and the fact that she fled when encountered by law enforcement.

The Immigration Judge found, however, that the limited information regarding the vehicle stop that led to Petitioner's detention, including whether the vehicle was marked, whether the officers were in uniform, and whether emergency lights or sirens were activated, lessened the significance of Petitioner's flight. The Immigration Judge also noted that the Notice to Appear had not yet been filed, that Petitioner had taken steps to obtain lawful status for her children, and that members of the community had submitted letters of support. Based on those circumstances, the Immigration Judge concluded that any risk of flight could be addressed through the imposition of bond and Petitioner's participation in the ATD program.

Because Petitioner has not yet posted bond and Petitioner remains detained until she does, Respondents respectfully request that the Court modify its June 12, 2026 Order restricting Petitioner's transfer outside the Northern District of New York pending resolution of this action. *See* Dkt. No. 2. Modification is warranted because there is no federal immigration detention facility within the Northern District. Petitioner is presently being housed by the Government at the Wellesley Island Border Patrol Station, which is not a federal detention facility. The nearest federal immigration detention facility is the Buffalo Federal Detention Facility in Batavia, New York, within the Western District of New York.

Modifying the transfer restriction would not affect this Court's jurisdiction. In the habeas context, jurisdiction is determined based on the petitioner's place of custody at the time the petition is filed and is not defeated by a subsequent transfer. *See Walker v. Searls,* No. 23-CV-140-LJV, 2024 WL 1735213, at *7 (W.D.N.Y. Apr. 23, 2024). Because Petitioner was detained within the Northern District when the Petition was filed, a subsequent transfer to the Buffalo Federal Detention Facility would not divest this Court of jurisdiction.

Nor does the Petition identify any basis for limiting Petitioner's detention to facilities within the Northern District. Because this Court's jurisdiction attached when the Petition was filed and will remain intact if Petitioner is transferred to the Buffalo Federal Detention Facility, Respondents respectfully request that the Court modify its June 12, 2026 Order to permit Petitioner's detention within either the Northern District of New York or the Western District of New York while this action remains pending.

Thank you for your consideration of this matter.

Respectfully Submitted,

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