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June 19, 2026

Hon. Brenda K. Sannes
Chief U.S. District Judge
Federal Building and U.S. Courthouse
P.O. Box 7336
Syracuse, New York 13261-7336

RE: *Aguilar v. Venturella, et al.*
Case No. 9:26-cv-01268 (BKS)

Dear Judge Sannes:

On behalf of the Federal Respondents, I respectfully request that the Court modify its Order, Dkt. 2, to permit Petitioner's detention within either the Northern District or Western District of New York during the pendency of this action.

Modification is warranted because there is no federal detention facility within the Northern District of New York. According to agency counsel, Petitioner was temporarily housed by ICE in Albany, New York—not a federal detention facility. The nearest federal detention facility is the Buffalo Federal Detention Facility in Batavia, New York, located within the Western District of New York. As a result, the current restriction effectively prevents Petitioner's detention in a federal detention facility, notwithstanding the availability of a nearby federal facility in Batavia.

The timing of the Court's Order further supports this request. The Court issued its Order at approximately 3:27 p.m. today. According to agency counsel, Petitioner was booked out of the Albany hold room at approximately 1:55 p.m. for transport to the Buffalo Federal Detention Facility, before the Court issued its Order.

Modification also would not affect this Court's jurisdiction. In the habeas context, jurisdiction is determined by 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); *Shaikh v. Barr*, No. 20-CV-6300 CJS, 2020 WL 7021443, at *3 (W.D.N.Y. Nov. 30, 2020). Because Petitioner was detained within the Northern District when the Petition was filed, transfer to Batavia would not impair this Court's authority to adjudicate the Petition.

Nor does the Petition identify any basis for restricting Petitioner's transfer to facilities within the Northern District. Because jurisdiction attached upon filing and will remain intact notwithstanding a transfer to Batavia, extending the Court's transfer restriction to include the Western District would preserve the status quo while allowing ICE to house Petitioner in the nearest federal detention facility.

The undersigned conferred with Petitioner's counsel, who opposes this request.

For these reasons, Respondents respectfully request that the Court modify its Order to prohibit transfer outside the Northern or Western Districts of New York.

Thank you for your consideration of this request.

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