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June 22, 2026

VIA CM/ECF
Hon. Elizabeth C. Coombe
U.S. District Judge
Federal Building and U.S. Courthouse
P.O. Box 7255
Syracuse, NY 13261-7255

RE: *Villanueva v. Venturella et al*
Civil Action No. 9:26-cv-01269-ECC

Dear Judge Coombe:

I represent the Respondents in this habeas corpus action, in which Petitioner Victor Diaz Villanueva ("Petitioner") challenges his detention by U.S. Immigration and Customs Enforcement ("ICE"). I respectfully request that the Court modify its Order, Dkt. No. 2, to permit Petitioner's detention within either the Northern District or Western District of New York during the pendency of this action.

On June 21, 2026, Petitioner filed a Petition for an Emergency Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 ("Petition"). Dkt. No. 1. Today, at approximately 9:46 a.m., the Court issued an order enjoining Respondents from transferring Petitioner outside the jurisdiction of the Northern District of New York until this civil action is resolved. Dkt. No. 2. However, according to agency counsel, Petitioner had previously submitted a written statement indicating that he wished to self-deport and did not wish to challenge his custody determination in Immigration Court. Respondents therefore began arrangements to move the Petitioner—currently detained at Montgomery County Jail—to the Buffalo Federal Detention Facility. Despite these transfer arrangements, Petitioner remains at Montgomery County Jail as the transfer process was halted upon service of the Court's order on the United States Attorney's Office.

Modification is warranted because there is no federal detention facility within the Northern District of New York. Petitioner is temporarily housed by ICE in the Montgomery County Jail, which is 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.

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, subsequent 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 Buffalo Federal Detention Facility in Batavia, New York, 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.

I have conferred with Petitioner's counsel; however, I have not received a definitive statement of counsel's position on this issue. Thank you for your consideration of this request.

Respectfully Submitted,

TODD BLANCHE
Acting Attorney General

JOHN A SARCONE III
First Assistant United States Attorney

By: *s/ Alexis M. Osborne*
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