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Hon. Elizabeth C. Coombe
(filed via ecf)

Villanueva v. Venturella, et al., 9:26-cv-01269

Dear Judge Coombe:

Please accept this letter in opposition to Respondents' request that you modify your injunction enjoining Petitioner's transfer from this District. I had a legal call with Mr. Diaz Villanueva this morning, and he would prefer to stay in this District. In addition, he has a very complex situation with immigration authorities which may involve arrangements for him to return to Mexico with his Guatemalan partner and his three US born children, and his immigration attorney, Jim Milstein, believes that it would be best if he were to remain in this District during the pendency of this case. I understand that he will not remain in Montgomery County Jail but he could likely be sent to Broome County Jail, as Respondents agreed to in a prior case with Your Honor (Ona Tupiza v. Lyons).

As I stated in that case, the Order enjoining transfer was clearly within this Court's power. *Ozturk v. Hyde*, 136 F.4th 382, 394-396 (2nd Cir. 2025.) In *Ozturk*, a habeas case, the lower court had ordered that the petitioner *be transferred back to Vermont* (where she had been when her petition was first filed) and this was upheld by the Second Circuit, which pointed out that the district court had ample authority to do so.

Thus it is clear that the Court herein had ample authority to enjoin transfers based on its inherent authority to protect its proceedings, and I am requesting that the Order not be modified.

I reached out to opposing counsel, Alexis Osborne, and she does not agree with my client remaining in this District.

Respectfully,

s/Kathy Manley
Pro Bono Counsel for Petitioner