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Hon. Brenda K. Sannes
(filed via ecf)

Escobar Clavijo v. Lyons, et al., 9:26-cv-1438

Dear Judge Sannes:

Please accept this letter in opposition to Respondents' request that you modify your injunction enjoining Petitioner's transfer from this District. First, Montgomery County Jail is close to Petitioner's home in Albany, New York, making it much easier for visits than if he were in Batavia. Respondents state that he cannot remain there, but it is not clear why. (It is true that as of 8/25/26 county jails will no longer be able to hold ICE detainees without violating NYS law, but this case will likely be resolved before that.)

In addition, undersigned counsel spoke to a client in Batavia this morning, and while he had been there for a while and has a bed, he said that many new men had recently arrived and were sleeping on the floor. If ICE doesn't have a place to put people and provide them with beds etc., then they should not be detaining so many people. This is especially true of people like Petitioner, who had applied for asylum (it may have been granted, I am trying to ascertain that) had a valid work permit, and no removal case when he was detained. I believe his was an illegal, warrantless arrest, and was a serious violation of due process.

Moreover, as noted by Respondent, 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.

Thank you.

Respectfully,

s/Kathy Manley
Pro Bono Counsel for Petitioner