United States Department of Justice

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September 15, 2026

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

RE: *Quishpe v. Venturella, et al*
Civil Action No. 9:26-cv-01748 (BKS)

Dear Judge Sannes:

I represent the Federal Respondents in the above-captioned petition for an emergency writ of habeas corpus, in which Petitioner challenges his detention by U.S. Immigration and Customs Enforcement ("ICE"). I respectfully request that the Court modify its Text Order, dated September 15, 2026, Dkt. No. 4, to permit Petitioner's detention within either the Northern District or the Western District of New York.

At 1:12 p.m.—prior to Respondents being served with the petition—Respondents filed a Letter Motion requesting that any anti-transfer order permit ICE to house Petitioner within the Western District of New York for the reasons stated therein. *See* Dkt. No. 3. Nevertheless, at 3:55 p.m., while that Motion remained pending, the Court issued a Text Order enjoining Respondents from moving Petitioner outside the Northern District of New York. *See* Dkt. No. 4.

At approximately 4:16 p.m., Petitioner was located in Madison County, New York, en route to the Buffalo Federal Detention Facility ("BFDF") in Batavia, New York, which lies within the Western District. Upon receipt of the Court's Text Order, that transport was halted and remains halted. ICE currently has no suitable alternative location within the Northern District to house Petitioner in continued immigration detention.

As indicated in Respondents' earlier filing, ICE has advised undersigned counsel that individuals detained locally who require continued immigration detention must be transferred promptly to BFDF. BFDF is the nearest federal immigration detention facility equipped to house such detainees. ICE's Albany Hold Room is not designed or authorized for long-term detention, and there is no federal immigration detention facility within the Northern District of New York.

Permitting transfer to BFDF would not affect this Court's jurisdiction. Jurisdiction over a habeas petition attaches at filing and is not defeated by subsequent transfers. *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 this District at the time the petition was filed, transferring him to BFDF would not divest this Court of authority to adjudicate the matter.

Nor would such a transfer implicate concerns that have led courts to restrict movement of detainees to distant facilities where access to counsel or the court could be impaired. *See*, e.g., *Ozturk v. Trump*, 779 F. Supp. 3d 462, 495 (D. Vt.), amended sub nom. *Ozturk v. Hyde*, 136 F.4th 382 (2d Cir. 2025); *Rodrigues v. Brackett*, 822 F. Supp. 3d 255, 256 (D.N.H. 2026). BFDF lies in an adjacent federal district and remains within a manageable travel distance for counsel.

For these reasons, Respondents respectfully request that the Court modify its Text Order to allow ICE to detain Petitioner either within the Northern District or the Western District of New York, including at BFDF. This modification would enable ICE to maintain Petitioner in appropriate federal custody without any impairment to this Court's jurisdiction.

Thank you for your consideration of this request.

Respectfully Submitted,

TODD BLANCHE
Attorney General

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By: *s/ Alexis M. Osborne*
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