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September 25, 2026

VIA CM/ECF
Hon. Anne M. Nardacci
U.S. District Judge
James T. Foley U.S. Courthouse
445 Broadway
Albany, NY 12207

RE: *Shahryar v. Rhoney, et al*
Civil Action No. 9:26-cv-01831(AMN)

Dear Judge Nardacci:

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 Order, dated September 25, 2026, to permit Petitioner's detention within either the Northern District *or Western District* of New York. *See* Dkt. No. 2.

On September 25, 2026, Petitioner filed a Petition for an Emergency Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Dkt. No. 1. At approximately 5:18 p.m., the Court issued an Order restricting Respondents from transferring Petitioner outside the Northern District of New York until the civil action is resolved. Dkt. No. 2. Based on the information presently available, Petitioner was believed to have already been located within the Western District of New York at the time the Court issued its Order restricting transfer.

Petitioner reportedly arrived at the Buffalo Federal Detention Facility ("BFDF") in Batavia, New York at approximately 6:30 p.m. today. Based upon publicly available geographic and travel-time information, it is reasonable to infer that Petitioner was very likely already within the Western District of New York at or before 5:18 p.m., when the Court entered the transfer restriction.[1]

Modification is warranted because there is no federal detention facility located within the Northern District of New York. BFDF, where Petitioner is currently detained, is the nearest federal detention

[1] Respondents do not currently possess records establishing the transport vehicle's precise location at 5:18 p.m. However, the timing of Petitioner's arrival at BFDF is consistent with his having entered the Western District of New York prior to issuance of the Court's Order.

facility available to house Petitioner. As a result, the current restriction effectively would prevent Petitioner's detention in a federal detention facility.

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, permission to remain at BFDF in Batavia, New York, would not impair this Court's authority to adjudicate the Petition.

Nor does the Petition identify any particular or non-generalized basis for restricting Petitioner's transfer to facilities within the Northern District of New York. Although some courts have found it problematic for habeas petitioners to have to litigate their claims from many states away, *see, e.g.*, *Ozturk v. Trump*, 779 F. Supp. 3d 462, 495 (D. Vt.) (requiring habeas petitioner's return to Vermont from immigration detention in Louisiana, where the petitioner had been transported during habeas proceedings, due to concerns about petitioner's ability to present her claims), *amended sub nom. Ozturk v. Hyde*, 136 F.4th 382 (2d Cir. 2025); *see also Rodrigues v. Brackett*, 822 F. Supp. 3d 255, 256 (D.N.H. 2026) (denying request to permit transfer of habeas petitioner from New Hampshire to Arizona during habeas proceedings), such difficulties are not obvious from requiring Petitioner to litigate his claims from the district that immediately neighbors the Northern District of New York.

In sum, because this Court's jurisdiction attached upon the filing of the Petition and will remain intact notwithstanding Petitioner's current detention at the Buffalo Federal Detention Facility in Batavia, New York, modifying the Court's transfer restriction to permit detention within the Western District of New York would preserve the status quo while allowing ICE to house Petitioner at the nearest federal detention facility.

I have conferred with Petitioner's counsel regarding the request, but as of the time of this filing, no response has been received.

Thank you for your consideration of this request.

Respectfully Submitted,

TODD BLANCHE
Attorney General

JOHN A SARCONE III
First Assistant United States Attorney

By: *s/ Alexis M. Osborne*

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