United States Department of Justice

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October 19, 2026

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

RE: *Pereira Souza v. The Patrol Agent et. al.*
Civil Action No. 9:26-cv-2093 (AMN)

Dear Judge Nardacci:

Please accept this joint letter request seeking (1) to modify the Court's transfer restriction to permit Respondents to transfer Petitioner within both the Northern District of New York and the Western District of New York, and (2) to hold in abeyance the hearing currently scheduled for October 22, 2026.

On October 9, 2026, Petitioner filed an Emergency Petition for Writ of Habeas Corpus and Order to Show Cause. In response, the Court directed Respondents to appear on October 22, 2026, and show cause why the Petition should not be granted. *See* Dkt. 2. The Court further enjoined Respondents from transferring Petitioner outside the jurisdiction of the Northern District of New York pending resolution of this civil action. Dkt. 2.

A bond hearing is currently being scheduled, and the parties respectfully submit that the outcome of that proceeding may alleviate the need for further litigation.

Further, transfer of Petitioner to the Western District of New York would not divest this Court of jurisdiction. In the habeas context, jurisdiction attaches 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). Petitioner has remained continuously located within the Northern District of New York from the filing of the petition through the submission of this letter.

Accordingly, the parties request that the Court (1) modify the transfer restriction to permit Respondents to transfer Petitioner within the Northern and Western Districts of New York, and (2) hold the October 22, 2026 hearing in abeyance.

Thank you for the Court's consideration of this matter.

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Respectfully Submitted,

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