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October 10, 2026

VIA CM/ECF
Hon. Elizabeth C. Coombe
U.S. District Judge
Federal Building and U.S. Courthouse
P.O. Box 7255
Syracuse, NY 13261-7255

RE: *Yousaf v. Venturella, et al*
Civil Action No. 9:26-cv-02094 (ECC)

Dear Judge Coombe:

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 October 10, 2026, to permit Petitioner's detention within either the Northern District or Western District of New York. *See* Dkt. No. 2.

On October 10, 2026, Petitioner filed a Petition for an Emergency Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Dkt. No. 1. At approximately 1:49 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 currently available, Petitioner had already been in transport for more than two hours and was approaching the border of the Western District of New York at the time the Court issued its transfer-restriction Order. Petitioner remains in a transport vehicle as of the filing of this letter.[1]

Modification is warranted because there is no federal detention facility located within the Northern District of New York. BFDF is the nearest federal detention facility available to house Petitioner. As a result, the current restriction effectively would prevent Petitioner's detention in a federal detention facility, notwithstanding the availability of a nearby federal 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

[1] Information was provided to undersigned counsel at approximately 2:30 p.m. on October 10, 2026 by ICE ERO.

(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 be transferred to BFDF in Batavia, New York, would not impair this Court's authority to adjudicate the Petition.

Nor does the Petition identify any 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 transfer to and 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've conferred with Petitioner's counsel regarding the request, and counsel has indicated that she does not take a position.

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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