United States Department of Justice

United States Attorney
Northern District of New York

445 Broadway, Room 218
James T. Foley U.S. Courthouse
Albany, New York 12207-2924

Tel.: (518) 431-0247
Fax: (518) 431-0386

October 16, 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: *Soares Camargo v. Officer in Charge Et. Al.*
Civil Action No. 9:26-cv-02128 (BKS)

Dear Judge Sannes:

I represent the Federal Respondents in the above-captioned petition for an emergency writ of habeas corpus, in which Petitioner appears to challenge his detention by the United States Department of Homeland Security ("DHS"), including the Officer in Charge for the Wellesley Island Border Patrol Station ("CBP"). Respondents have received notice that the Petition was filed but have not yet been served and therefore do not yet have information regarding Petitioner's factual allegations, legal claims, or current custodial circumstances.

To the extent that the newly filed Petition seeks an order enjoining Respondents from transferring Petitioner outside the Northern District of New York, the government respectfully requests that any anti-transfer order allow Respondents to house Petitioner within the Western District of New York. Individuals detained locally who require continued immigration detention must be transported promptly to the Buffalo Federal Detention Facility ("BFDF") in Batavia, New York, which is located within the Western District of New York. BFDF is the nearest available federal detention facility equipped to house immigration detainees. There is no federal immigration detention facility within the Northern District of New York, and Wellesley Island Border Patrol Station is not equipped to house individuals for continued detention.

Assuming Petitioner was located in this District at the time of filing, transfer to BFDF 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). If Petitioner was detained within this District when

the Petition was filed, his transfer to BFDF would not affect the Court's authority to adjudicate this matter.[1]

Nor would a transfer to BFDF present the concerns that have led courts to restrict transfers to distant detention facilities where relocation could materially impair access to counsel or the court. *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). Here, BFDF is located in the adjacent federal district and remains within reasonable travel distance for counsel.

Accordingly, if the Court is inclined to issue an order restricting Petitioner's transfer, Respondents respectfully request that the order permit Petitioner to be detained within either the Northern District or the Western District of New York, including at BFDF. Such an accommodation would permit CBP to transfer Petitioner in appropriate federal custody without affecting this Court's jurisdiction over the Petition.

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*
Alexis M. Osborne
Assistant United States Attorney
Bar Roll No. 707475

---

[1] Respondents reserve all rights to contest jurisdiction in the event that Petitioner was not located in the District at the time of filing.