

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

JANE DOE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 2:25-CV-00240
	)	
U.S. DEPARTMENT OF HOMELAND	)	
SECURITY; KRISTI NOEM, Secretary of the	)	
U.S. Department of Homeland Security;	)	
THERESA MESSIER, Superintendent,	)	
Chittenden Regional Correctional Facility,	)	
Defendants.	)	

**RESPONSE TO ORDER TO SHOW CAUSE**

NOW COMES Debbie Stevens, Assistant Attorney General for the State of Vermont, and on behalf of Superintendent of Chittenden Regional Correctional Facility Theresa Messier (Messier) hereby responds to the Order to Show Cause issued March 3, 2025, as follows:

1. Messier is the Superintendent of the Chittenden Regional Correctional Facility located in South Burlington, Vermont.
2. Under federal habeas statutes Messier was properly identified as the respondent because as Superintendent, Messier was Petitioner’s custodian at the time the Petition for Writ of Habeas Corpus was filed. *See Rumsfeld v. Padilla*, 542 U.S. 426, 427, 124 S. Ct. 2711, 2713 (2004) (“there is generally only one proper respondent, and the custodian is ‘the person’ with the ability to produce the prisoner’s body before the habeas court[.]”) (citation omitted).
3. Before the Order to Show Cause was issued, Petitioner was transferred to a facility outside of Vermont.
4. Messier presently lacks the ability to produce Petitioner’s body before this Court.
5. Named in her official capacity and without authority to produce Petitioner’s body, Messier takes no stance on the merits of the Petition and Complaint for Declaratory and

Injunctive Relief, understanding these claims will be addressed by counsel for the U.S. Department of Homeland Security and Kristi Noem, Secretary of the U.S. Department of Homeland Security.

DATED at Montpelier, Vermont, this 5th day of March 2025.

STATE OF VERMONT  
CHARITY R. CLARK  
ATTORNEY GENERAL

By: /s/ Debbie Stevens  
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