



U.S. Department of Justice

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July 30, 2025

By ECF

The Honorable J. Paul Oetken
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Kamel v. Joyce*, No. 25-cv-6249 (JPO)

Dear Judge Oetken:

This Office represents the government in the above-referenced habeas corpus action, which was filed today at 11:16 a.m. At 1:58 p.m., the Court signed the petitioner's draft order to show cause, directing the government to appear at a show cause hearing tomorrow, July 31, to show cause why a preliminary injunction should not be issued. ECF No. 3. The order also granted an ex parte temporary restraining order ("TRO") that provides: "the respondent is temporarily restrained and enjoined from transferring Mariam Kamel out of the Southern District of New York and from maintaining her detention." *Id.* I write respectfully to request that the Court vacate the ex parte TRO, which appears to require the ultimate relief sought of release from detention pending adjudication,¹ as this Court lacks habeas jurisdiction over this case given that venue is improper here.

U.S. Immigration and Customs Enforcement ("ICE") has informed this Office that the petitioner was booked out of the hold room at 26 Federal Plaza at approximately 8:00 a.m. this morning, and she was thereafter transported to Newark Liberty International Airport, outside of this judicial district, where she arrived at approximately 9:00 a.m. The petitioner's flight departed Newark at 12:55 p.m. (EDT), and arrived at the Alexandria International Airport in Louisiana at 3:25 p.m. (CDT). We have been informed that she is in transit to the Richwood Correctional Center in Monroe, Louisiana, where ICE obtained bedspace for her.²

This Court lacks habeas jurisdiction over the case because the petitioner was not present within the Southern District of New York when this action was filed, and thus venue is improper. *See, e.g., Rumsfeld v. Padilla*, 542 U.S. 426, 437 (2004) ("Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his

¹ Petitioner's draft order to show cause asked for two contradictory temporary injunctions: an order enjoining transfer out of the district, and an order "enjoining the Respondents from continuing to hold [the petitioner] in ICE custody"; the former would be unnecessary in light of the latter. It is unclear whether this was a drafting error.

² There are no ICE detention facilities within the Southern District of New York that house female detainees.

warden as respondent and file the petition in the district of confinement.”); *accord Trump v. J.G.G.*, 145 S. Ct. 1003, 1005-06 (2025) (“For core habeas petitions, jurisdiction lies in only one district: the district of confinement.” (cleaned up)). When this action was filed at 11:16 a.m. today, the petitioner was not present in the Southern District of New York. As noted above, she was booked out of 26 Federal Plaza at approximately 8:00 a.m., and arrived at an airport in New Jersey at approximately 9:00 a.m., where she remained until her flight departed for Louisiana. Consequently, venue is improper, and this Court lacks habeas jurisdiction. The Court should thus promptly vacate the TRO entered earlier today.

I thank the Court for its consideration of this request.

Respectfully submitted,

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