UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

K-S- **Petitioner,** **v.** **E.L. TATUM, JR.,** Warden of the Federal Correctional Institute, Berlin; **PATRICIA H. HYDE**, Acting Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations, Boston Field Office; **TODD LYONS**, Acting Director, U.S. immigration and Customs Enforcement; **KRISTI NOEM**, Secretary of the U.S. Department of Homeland Security; **PAMELA BONDI**, U.S. Attorney General; **Respondents.**	**Civil No. 1:25-cv-288-SE-AJ**

RESPONDENTS' EMERGENCY MOTION FOR APPROVAL TO TRANSFER ON LESS THAN 72-HOURS' NOTICE
EXPEDITED REVIEW REQUESTED

In accordance with the Court's Order of August 5, 2025, Federal Respondents hereby provide notice of their intent to transfer Petitioner to Plymouth County Correctional Facility in Plymouth, Massachusetts, and request that this Court approve such transfer on less than the previously-ordered 72-hours' notice. Grounds follow.

1. On August 20, 2025, Petitioner was involved in a conflict with another detainee at FCI Berlin, which resulted in a disturbance at the facility.
2. As a result of the institutional disturbance, FCI Berlin is no longer willing to house the Petitioner at its facility and has requested that ERO find an alternative placement for Petitioner.

3. ERO sought approval to place Petitioner at Strafford County House of Corrections in New Hampshire, but that facility declined to accept him. Likewise, ERO sought approval to place Petitioner at Wyatt in Rhode Island, but that facility also declined to accept him.
4. ERO has secured a placement for Petitioner at Plymouth County Correctional Facility in Plymouth, Massachusetts, and intends to move him out of FCI Berlin as soon as possible at FCI Berlin's request.
5. Respondents seek this Court's approval to transfer Petitioner on less than the Court's previously-ordered 72-hours' notice. Respondents are prepared to transfer Petitioner as soon as practicable upon Court approval.
6. Respondents are not seeking transfer of jurisdiction over Petitioner's habeas petition to the District of Massachusetts.
7. Undersigned counsel has conferred with SangYeob Kim, Esq., counsel for Petitioner regarding this motion. Attorney Kim advised that Petitioner assents to the transfer so long as this Court retains jurisdiction over the pending habeas petition despite the transfer. Should the Court find that it would not retain jurisdiction over the pending habeas petition in the event of Petitioner's transfer, Petitioner would oppose the transfer.

Respectfully submitted,

Dated: August 21, 2025

ERIN CREEGAN
United States Attorney

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