IN THE UNITED STATES DISTRICT COURT
FOR THE 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 U.S. Department of Homeland Security; **PAMELA BONDI,** U.S. Attorney General;

Respondents.

Case Number: 1:25-cv-288-SE-AJ

PETITIONER'S RESPONSE TO RESPONDENTS' MOTION FOR APPROVAL TO TRANSFER ON LESS THAN 72-HOURS' NOTICE

Petitioner files this response to Respondents' motion for approval to transfer on less than 72-hours' notice. As Respondents accurately described, Petitioner assents to Petitioner's transfer to the Plymouth County Correctional Facility in Plymouth, Massachusetts so long as the Court retains jurisdiction over the pending habeas corpus petition despite the transfer out of New Hampshire. Should the Court find that the Court would not retain jurisdiction over the pending habeas corpus petition in the event of Petitioner's transfer, Petitioner would oppose the transfer. *See Hussein v. Strafford Cty. Dep't of Corr.*, 2018 DNH 128, 2018 U.S. Dist. LEXIS 103901, at *5 (D.N.H. June 21, 2018) ("While Hussein's transfer to Louisiana may raise some questions over the court's territorial jurisdiction over this petition following that transfer, *cf. Gonzalez v. Grondolsky*, 152 F. Supp. 3d 39, 45-46 (D. Mass. 2016), the court need not resolve them in light

of the parties' agreement, during the June 21, 2018 telephonic hearing, that this court would retain jurisdiction despite Hussein's transfer."); *cf. Compere v. Nielsen*, 358 F. Supp. 3d 170 (D.N.H. 2019) ("On November 21[,] the government moved to vacate the November 15 order and announced its plan to transfer Compere to a staging area in Louisiana on December 10, 2018, with removal to Haiti scheduled for the week of December 17, 2018. See Doc. No. 8-1. I denied the motion to vacate on December 6, 2018" when Compere opposed the transfer). *See also Ozturk v. Hyde*, 136 F.4th 382, 392 (2d Cir. 2025) ("Nor does Özturk's own subsequent transfer to Louisiana strip the District of Vermont of habeas jurisdiction.") (citing *Ex parte Endo*, 323 U.S. 283 (1944)).[1]

Respectfully submitted this 21th day of August 2025.

K-S-,

By and through his Counsel,

/s/ SangYeob Kim
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[1] Petitioner notes that his counsel have not investigated the alleged altercation as of filing of this response.