

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

[REDACTED])
Petitioner,)
)
v.)
)
JONATHAN TUREK, Interim Superintendent,)
Chittenden Regional Correctional Facility;) Civil Action No. [REDACTED]
PATRICIA HYDE, Field Office Director;)
MICHAEL KROL, HSI New England Special)
Agent in Charge; TODD LYONS, Acting Director)
U.S. Immigrations and Customs Enforcement,)
KRISTI NOEM, Secretary of the U.S. Department)
of Homeland Security; PAMELA BONDI, U.S.)
Attorney General,)
Defendants.)

LIMITED RESPONSE TO ORDER TO SHOW CAUSE

NOW COMES Zachary Chen, Assistant Attorney General for the State of Vermont, by limited appearance and on behalf of Interim Superintendent of Chittenden Regional Correctional Facility Jonathan Turek (Turek) respectfully submits the following limited response to the Order issued September 5, 2025:

1. Jonathan Turek is the Interim Superintendent of the Chittenden Regional Correctional Facility located in South Burlington, Vermont.
2. As Interim Superintendent, Turek 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) ("[T]here 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)); but see *Rivera Zumba v. Bondi*, No. 25-CV-14626 (KSH), 2025 WL 2476524, at *5 (D.N.J. Aug. 28, 2025) ("[The *Padilla* majority] signaled that the rule is not ironclad, admitting of no exceptions under any scenario."); *Somir v. United States*, 354 F.Supp.2d 215, 217 (E.D.N.Y. 2005) (noting "chorus of judges in the Southern and Eastern Districts of New York

who have held that the Attorney General is a proper respondent in immigration cases where the petitioner is challenging the government's efforts to remove him from this country"); *see also Ozturk v. Hyde*, 136 F.4th 382, 392 (2d Cir. 2025) ("[W]hen the Government moves a habeas petitioner after she properly files a petition naming her immediate custodian, the District Court retains jurisdiction and may direct the writ to any respondent within its jurisdiction who has legal authority to effectuate the prisoner's release").

3. Turek, named in his official capacity as a defendant in this matter solely by virtue of his role as the acting superintendent of the Chittenden Regional Correctional Facility, a Vermont state facility where Petitioner is detained on the basis of federal law, takes no position on the substance of the Petition.

4. Jonathan Turek does not concede that he has been properly served with any filing in this matter. The Vermont Attorney General's Office has not been served with a copy of the petition; on PACER, Vermont assistant attorneys general have not been permitted to access the Petition or counsel's notice of appearance.

5. The undersigned seeks to enter only a limited appearance for purposes of monitoring a case in which a Vermont State official is named as a party.

DATED at Montpelier, Vermont, this 12th day of September, 2025.

STATE OF VERMONT

CHARITY R. CLARK
ATTORNEY GENERAL

By: /s/ Zachary J. Chen
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