



U.S. Department of Justice

United States Attorney
Southern District of New York

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September 5, 2025

By ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Patel v. Almodovar*, No. 25-cv-7357 (JMF)

Dear Judge Furman:

This Office represents the government in the above-referenced habeas corpus action. I write respectfully to provide the attached ICE declaration attesting to the facts contained in the government's letter filed earlier today (ECF No. 6), and to provide a short response to the petitioner's "motion to compel" issuance of an injunction preventing his transfer outside of the District of New Jersey (ECF No. 8).

As set forth in the government's letter filed earlier today, with the facts confirmed in the attached ICE declaration, this Court lacks habeas jurisdiction over this matter, as venue is improper in the Southern District of New York. *See 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 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)); *Khalil v. Joyce*, 771 F. Supp. 3d 268, 280-86 (S.D.N.Y. 2025) (holding that court lacked habeas jurisdiction where petitioner was transferred from 26 Federal Plaza to a facility in the District of New Jersey prior to filing of the petition).

Because the Court lacks habeas jurisdiction, the Court should not grant the petitioner's "motion to compel," which seeks an injunction enjoining ICE from transferring the petitioner out of the District of New Jersey. Rather, such a request should be made to the appropriate court in the District of New Jersey. In support of his request, the petitioner relies on the All Writs Act, 28 U.S.C. § 1651(a). But the All Writs Act is of no use here. The Act grants federal courts authority to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). The Supreme Court has "made clear that a petitioner cannot use that Act to circumvent statutory requirements or otherwise binding procedural rules." *Shoop v. Twyford*, 596 U.S. 811, 820-21 (2022) (citing *Pennsylvania Bureau of Correction v. United States Marshals Service*, 474 U.S. 34, 43 (1985) ("Although [the Act] empowers federal courts to fashion extraordinary remedies when the need arises, it does not authorize them to issue ad hoc writs whenever compliance with statutory procedures appears inconvenient or less appropriate.")).

The petitioner fails to explain how an order enjoining ICE from transferring the petitioner out of the District of New Jersey would preserve this Court’s jurisdiction. It would not. First, as noted, this Court lacks habeas jurisdiction over this action, and so such an order would not preserve this Court’s jurisdiction. Nor would such an order preserve the District of New Jersey’s jurisdiction—“as the *Padilla* Court’s discussion of *Endo* makes clear, the fact that a detainee has been transferred away from a district that otherwise has jurisdiction to hear his or her claims does not necessarily deprive that district of habeas jurisdiction.” *Khalil*, 771 F. Supp. 3d at 290 (citing *Padilla*, 542 U.S. at 441). This Court has already issued an order staying the petitioner’s removal from the United States, which operates to preserve the Court’s jurisdiction. *See* ECF No. 4. No additional injunction is necessary or appropriate now that it is clear that this Court lacks habeas jurisdiction. The petitioner should be required to seek such relief in the proper court.

Accordingly, the Court should promptly transfer this action to the District of New Jersey, waiving the seven-day waiting period contained in Local Civil Rule 83.1, and also deny the petitioner’s request for an additional injunction enjoining the petitioner’s transfer out of the District of New Jersey.

I thank the Court for its consideration of this submission.

Respectfully submitted,

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cc: Counsel of Record (by ECF)