



**BY ECF**

The Honorable Ronnie Abrams  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: *Valerio v. Joyce*, No. 1:25-cv-8714 (RA)**

Dear Judge Abrams:

Petitioner respectfully submits this letter in response to Respondents’ request for either transfer or dismissal of the instant petition, ECF No. 11, and the Court’s request for a letter from Petitioner (who was hitherto pro se) on his position. ECF No. 12. Petitioner does not object to the transfer of the instant action to the District of New Jersey. He does not believe a hearing is necessary on November 6, although he also does not object to such a hearing to the extent helpful to the Court.

**BACKGROUND**

Petitioner Andres Valerio is a 70-year-old grandfather who has resided in the U.S. for over 40 years. Andres Valerio Decl. at ¶ 1. He has 14 U.S.-citizen grandchildren and, apart from an amnesty application in the 1980s, has never had contact with immigration authorities. *Id.* On the evening of Monday, October 20, Mr. Valerio was at his home in East Elmhurst, Queens preparing to put out his trash bins for collection. When he opened the garage door in his first-floor unit, he observed four immigration agents inside his yard. *Id.* at ¶ 2. He had not given them permission to enter the yard nor did he observe any neighbors present who could have consented to such an entry. *Id.*

The agents asked him in Spanish for an identification. Mr. Valerio stated his identification was in the house. The agents did not permit him to go inside to get it and instead asked for his name. *Id.* at ¶ 3. During the course of their interaction, Mr. Valerio’s wife came outside to see what was happening. The agents also asked her for identification. *Id.* The agents then detained both Mr. Valerio and his wife for an hour in their own driveway. *Id.* at ¶ 5. Finally, they were loaded into a car and taken to 26 Federal Plaza, without an opportunity to change their



clothes or put on regular shoes. *Id.* At 26 Federal Plaza, they were detained in separate rooms and able to see each other only from a distance. *Id.* at ¶ 6. The next morning Mr. Valerio’s wife—who is now detained in Louisiana—was taken out first for transfer. The last time Mr. Valerio saw her was as she was led out of the holding area and he waved to her.

Mr. Valerio was then moved to New Jersey around noon on October 21, 2025. *Id.* at ¶ 9. Because he and his wife are both detained, they have been unable to speak since. *Id.* at ¶ 7. This has been difficult for Mr. Valerio as the couple has been married for over 50 years and he is very concerned with his wife’s wellbeing given her health issues. *Id.* at ¶ 9.

Mr. Valerio does not dispute that he was in New Jersey at the time the instant petition was filed but further notes that his family had no way to know that. He was only able to call his family once from 26 Federal Plaza, the evening he was detained. *Id.* at ¶ 6. The next day, October 21, his son continuously monitored the ICE locator to see where his parents were. Armando Valero Decl. at ¶ 3. On the afternoon of October 21, both disappeared from the locator. At the time the instant petition was filed, no location information was available on the ICE locator. *Id.* at ¶ 4. Mr. Valerio’s family did not find out his whereabouts for at least another day and went several more days without being able to speak to him. *Id.* at ¶ 5. Mr. Valerio was also briefly hospitalized the evening of his transfer to Delaney, due to his blood pressure. Andres Valerio Decl. at ¶ 8.

#### **TRANSFER TO NEW JERSEY**

“[I]t is well established — and undisputed by the Government — that the Court has the discretion to transfer the case to another district rather than dismiss.” *Khalil v. Joyce*, 771 F. Supp. 3d 268, 287 (S.D.N.Y. 2025); *see also Ozturk v. Trump*, 779 F. Supp. 3d 462, 475 (D. Vt.) (collecting cases), *amended sub nom. Ozturk v. Hyde*, 136 F.4th 382 (2d Cir. 2025). Relevant factors in such a decision may include the petitioner’s need for expediency and good-faith selection of an initial filing venue. *Khalil*, 771 F. Supp. 3d at 287.

Petitioner presents such good cause for transfer. His family had no means to ascertain his whereabouts at the time of filing because the ICE locator did not contain location information and Mr. Valerio was not permitted a call for several days, from the evening of October 20 until later that week. His last confirmed location at the time of filing was in Manhattan. He also has need for expediency, as he is now detained and separated from his family and has health issues sufficient to warrant his hospitalization on October 21.

Accordingly, Petitioner does not object to expeditious transfer to the District of New Jersey.

Respectfully submitted,

/s/ Paige Austin  
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