



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*271 Cadman Plaza East
Brooklyn, New York 11201
January 9, 2026*

VIA ECF

Honorable Diane Gujarati
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Gao v. Lyons et al., 26-cv-43 (Gujarati, J.)

Dear Judge Gujarati,

This Office represents the Respondents in the above action. Respondents respectfully write to inform the Court that they consent to the motion of Petitioner Ran Gao to transfer this action to the Southern District of Mississippi (ECF 3).

Petitioner commenced this action on January 6, 2026 to challenge his immigration detention. (*See* ECF 1). On that date, Petitioner was detained at the Adams County Correctional Center ("ACCC") in Natchez, Mississippi; Petitioner remains detained at that location. *See* the accompanying Declaration of Supervisory Detention and Deportation Officer Kareem Johnson.

An action that challenges the validity of an individual's detention "falls within the 'core' of the writ of habeas corpus and thus must be brought in habeas". *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025). In this action, Peitioner challenges the validity of his detention by seeking from custody. ECF 1 ¶ 2. Therefore, this action "must be brought in habeas", and is subject to the jurisdictional limits applicable to habeas actions. *J.G.G.*, 604 U.S. at 672 (holding that habeas actions must be brought in the district of confinement).

A person who files a habeas petition to challenge his detention must file the petition in the district where she is detained at the time the petition is filed. *Ozturk v. Hyde*, 136 F.4th 382, 390-91 (2d Cir. 2025). If a habeas action is commenced in a district other than the one in which the petitioner was detained at the time the action was commenced, the court in which the action was commenced should transfer the action to the district where the petitioner was detained at the time the action was commenced. *See Ozturk*, 136 F.4th at 390-91 (district court properly transferred habeas action to the district in which Ozturk was detained at the time her attorneys filed the petition).

Accordingly, Respondents agree that the Court should transfer this action to the United States District Court for the Southern District of Mississippi, where ACCC is located, because Petitioner was detained at ACCC when he commenced this action.¹

¹ Respondents submit this letter without waiving any claim, defense or argument and reserves the right to assert any and all claims, defenses and arguments at all future times in this

Respondents thank the Court for its consideration of this submission.

JOSEPH NOCELLA, JR.
United States Attorney
By: /s/ Elliot M. Schachner
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cc (by Fed Ex, w/ encl.):

Ran Gao

Petitioner *pro se*

 NY 11355

litigation, regardless of the forum in which this litigation proceeds.. Respondents respectfully request an opportunity in the future to brief all legal and factual issues relevant to this action regardless of the forum in which this litigation proceeds.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RAN GAO

Petitioner,


v.

TODD LYONS, *et al.*,
Respondents.

Civil Action No. 26-cv-43

DECLARATION OF SUPERVISORY
DETENTION AND DEPORTATION OFFICER
KAREEM JOHNSON

Pursuant to 28 U.S.C. § 1746, I, Kareem Johnson, declare under penalty of perjury that the following is true and correct:

1. I am a Supervisory Detention and Deportation Officer at U.S. Immigration and Customs Enforcement (“ICE”) within the U.S. Department of Homeland Security (“DHS”). I have prepared this declaration in connection with a Petition for a Writ of Habeas Corpus filed by the petitioner, Ran Gao (“Petitioner”). Petitioner, a native and citizen of China, has been assigned the following Alien Number:  The following representations are based on my review of ICE electronic records and databases.

2. On October 15, 2025, Petitioner was arrested by ICE in New York City. One the same date, he was transferred to Delaney Hall Detention Facility in Newark, New Jersey.

3. On October 25, 2025, Petitioner was transferred to Adams County Correctional Center in Natchez Mississippi where he has remained continuously detained while his removal proceedings are pending.

I hereby declare under the penalty of perjury that the above statements are true and correct.

Executed at New York, New York
this 9th day of January 2025

KAREEM A
JOHNSON

Digitally signed by KAREEM A
JOHNSON
Date: 2026.01.09 14:31:25 -05'00'

Kareem Johnson
Supervisory Detention and Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security