

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

BEKA BAKURADZE,

Petitioner,

v.

Civil Action No. 5:26-cv-00018

MARY ADAMS, in her official capacity
as Superintendent of the Northern Regional Jail,
et al.,

Respondents.

**SUPERINTENDENT ADAMS'S RESPONSE TO ORDER TO SHOW CAUSE
CONCERNING PETITION FOR A WRIT OF HABEAS CORPUS**

Respondent Misty Adams,* named in her official capacity as the Superintendent of Northern Regional Jail, hereby responds to the Court's order to show cause.

Although Respondent Adams is Petitioner's physical custodian, Petitioner is being detained under a contract agreement with United States Immigration and Customs Enforcement. In such circumstances, "ICE is in complete control of detainees' admissions and release, and the local state warden simply does not have any information to answer for federal authorities." *Rafati v. Barr*, No. 20-CV-411-JFH, 2020 WL 12968837, at *1 (E.D. Okla. Dec. 22, 2020) (cleaned up). In other words, "non-federal actors are poorly situated to defend federal interests in these situations." *Rodriguez Sanchez v. Decker*, No. 18-CV-8798, 2019 WL 3840977, at *3 (S.D.N.Y. Aug. 15, 2019) (cleaned up). As a result, courts have said that the usual custodian rule in habeas actions "must take account" of these realities "where a petitioner is held in a facility pursuant to a contract." *Masingene v. Martin*, 424 F. Supp. 3d 1298, 1302 (S.D. Fla. 2020) (cleaned up); *see*

* Petitioner incorrectly named "Mary" Adams as the Superintendent of Northern Regional Jail. *See* Pet. ¶ 16.

also, e.g., Ortuno v. Jennings, No. 20-CV-02064-MMC, 2020 WL 2218965, at *2 (N.D. Cal. May 7, 2020) (same). If anything, Respondent Adams should be treated as nothing more than a nominal respondent.

Given all these considerations, Respondent Adams defers to the Federal Respondents' position as to whether the Court should grant the petition and offer relief of any kind.

Respectfully submitted,

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Dated: January 30, 2026

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