 2:26-cv-00508

HABEAS,ECF

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:26-cv-00320-DEH

Case Transferred to EDNY

Franco v. Lyons et al
Assigned to: Judge Dale E. Ho
Cause: 28:2241in Habeas Corpus: INS

Date Filed: 01/14/2026
Jury Demand: None
Nature of Suit: 463 Habeas Corpus - Alien Detainee
Jurisdiction: U.S. Government Defendant

Petitioner

Francisco Franco

represented by **Leonard Henry Hecht**
Thomas T. Hecht, P.C.
729 Seventh Avenue
14
New York, NY 10020
212-245-5556
Email:
leonard.hecht@hechtlaw.com
ATTORNEY TO BE NOTICED

V.

Respondent

Todd M. Lyons
Acting New York Field Office Director, Immigration Customs and Enforcement and Removal Operations, (ICE/ERO, Todd M. Lyons, Director of Customs Enforcement (ICE)

represented by **Brandon Matthew Waterman**
DOJ-USAO
United States Attorney's Office, SDNY
86 Chambers Street
New York, NY 10007
212-637-2743
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Email:
brandon.waterman@usdoj.gov
ATTORNEY TO BE NOTICED

Respondent

U.S Immigration and Customs Enforcement	represented by **Brandon Matthew Waterman** (See above for address) *ATTORNEY TO BE NOTICED*
Respondent	
Kristi Noem *Secretary of the Department of Homeland Security {DHS}*	represented by **Brandon Matthew Waterman** (See above for address) *ATTORNEY TO BE NOTICED*
Respondent	
U.S. Department of Homeland Security	represented by **Brandon Matthew Waterman** (See above for address) *ATTORNEY TO BE NOTICED*
Respondent	
Pamela Bondi *Attorney General of the United States*	represented by **Brandon Matthew Waterman** (See above for address) *ATTORNEY TO BE NOTICED*
Respondent	
United States Department of Justice *(DOJ)*	represented by **Brandon Matthew Waterman** (See above for address) *ATTORNEY TO BE NOTICED*
Interested Party	
Jeffrey Oestericher	represented by **Jeffrey Stuart Oestericher** U.S. Attorney's Office, SDNY (86 Chambers St.) 86 Chambers Street New York, NY 10007 212-637-2200 Fax: 212-637-2730 Email: Jeffrey.Oestericher@usdoj.gov *LEAD ATTORNEY* *ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/14/2026	1	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2241. (Filing Fee $ 5.00, Receipt Number ANYSDC-32257877)

		Request for emergency relief to be separately filed..Document filed by FRANCISCO FRANCO..(Hecht, Leonard) (Entered: 01/14/2026)
01/14/2026		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Dale E. Ho. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges. Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions..(pc) (Entered: 01/14/2026)
01/14/2026		Magistrate Judge Barbara C. Moses is designated to handle matters that may be referred in this case. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf. (pc) (Entered: 01/14/2026)
01/14/2026		Case Designated ECF. (pc) (Entered: 01/14/2026)
01/14/2026		*****NOTICE TO ATTORNEY TO ELECTRONICALLY FILE CIVIL COVER SHEET. Notice to Attorney Leonard Henry Hecht. Attorney must electronically file the Civil Cover Sheet. Use the event type Civil Cover Sheet found under the event list Other Documents. (pc)** (Entered: 01/14/2026)
01/14/2026		*****NOTICE TO ATTORNEY REGARDING CIVIL. CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Leonard Henry Hecht. The following case opening statistical information was erroneously selected/entered: County code Albany;. The following correction(s) have been made to your case entry: the County code has been modified to New York;. (pc)** (Entered: 01/14/2026)
01/14/2026		*****NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Leonard Henry Hecht. The party information for the following party/parties has been modified: FRANCISCO FRANCO, Todd M. Lyons, Secretary Kristi Noem, Pamela J. Bondi. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error; party name was entered in all caps; party role was entered incorrectly; party text was omitted;. (pc)** (Entered: 01/14/2026)

01/14/2026	2	**FILING ERROR - PDF ERROR -** CIVIL COVER SHEET filed.. (Hecht, Leonard) Modified on 1/14/2026 (pc). (Entered: 01/14/2026)
01/14/2026		*****NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney Leonard Henry Hecht to RE-FILE Document No. 2 Civil Cover Sheet. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the civil cover sheet is not correct; Office was not selected, civil cover sheet was not signed;. Re-file the document using the event type Civil Cover Sheet found under the event list Other Documents and attach the correct PDF. (pc)** (Entered: 01/14/2026)
01/14/2026	3	CIVIL COVER SHEET filed..(Hecht, Leonard) (Entered: 01/14/2026)
01/14/2026	4	NOTICE OF CONFERENCE: This case has been assigned to me for all purposes. It is hereby ORDERED that counsel for all parties appear for a conference with the Court on January 20, 2026 at 2:00 p.m. in Courtroom 905 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York. Respondents are ORDERED to Show Cause why the Petition for Writ of Habeas Corpus should not be granted by Saturday, January 17, 2026. See 28 U.S.C. § 2243. If Respondents take the position that the outcome of this Petition is controlled by Lopez Benitez v. Francis, 795 F. Supp. 3d 475 (S.D.N.Y. 2025), then their submission may take the form of a letter conceding that point. See Goorakani v. Lyons, --- F. Supp. 3d ---, 2025 WL 3632896, at *6-7 (S.D.N.Y. Dec. 15, 2025). Petitioner shall have an opportunity to reply, if necessary, by Monday, January 19, 2026. By today, January 14, 2025, Petitioner's counsel is DIRECTED (1) to serve Respondents with a copy of the Petition and accompanying papers, along with a copy of this Order, by e-mail to the United States Attorney's Office for the Southern District of New York at Jeffrey.Oestericher@usdoj.gov and by overnight mail, and (2) to promptly file proof of such service in the docket. Counsel for Respondents shall promptly enter notices of appearance. In light of Petitioner's interests in participating in further proceedings before this Court and in maintaining adequate access to legal counsel through these proceedings, it is further ORDERED that Petitioner shall not be transferred except to a facility within this District, the Eastern District of New York, or the District of New Jersey absent further order of this Court. As further set forth in this Order. In accordance with the Court's Individual Rules and Practices, requests for an extension or adjournment may be made only by letter-motion filed on ECF and must be received at least 48 hours before the deadline or conference. The written submission must state (1) the original date(s); (2) the number of

		previous requests for adjournment or extension; (3) whether these previous requests were granted or denied; (4) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent; and (5) the date of the parties' next scheduled appearance before the Court. Unless counsel are notified that the conference has been adjourned, it will be held as scheduled. SO ORDERED (Show Cause Response due by 1/17/2026.) (Replies due by 1/19/2026.) (Show Cause Hearing set for 1/20/2026 at 02:00 PM in Courtroom 905, 40 Centre Street, New York, NY 10007 before Judge Dale E. Ho.) (Signed by Judge Dale E. Ho on 1/14/2026) (nm) (Entered: 01/14/2026)
01/14/2026	5	AFFIDAVIT OF SERVICE. United States Department of Justice served on 1/14/2026, answer due 3/16/2026. Service was made by email and overnight mail. Document filed by Francisco Franco..(Hecht, Leonard) (Entered: 01/14/2026)
01/17/2026	6	NOTICE OF APPEARANCE by Brandon Matthew Waterman on behalf of Todd M. Lyons, Kristi Noem, Pamela Bondi, U.S Immigration and Customs Enforcement, U.S. Department of Homeland Security, United States Department of Justice..(Waterman, Brandon) (Entered: 01/17/2026)
01/17/2026	7	MOTION to Transfer Case *to the U.S. District Court for the Eastern District of New York, or Alternatively, Dismiss*. Document filed by Todd M. Lyons, Kristi Noem, Pamela Bondi, U.S Immigration and Customs Enforcement, U.S. Department of Homeland Security, United States Department of Justice..(Waterman, Brandon) (Entered: 01/17/2026)
01/17/2026	8	MEMORANDUM OF LAW in Support re: 7 MOTION to Transfer Case *to the U.S. District Court for the Eastern District of New York, or Alternatively, Dismiss*. . Document filed by Todd M. Lyons, Kristi Noem, Pamela Bondi, U.S Immigration and Customs Enforcement, U.S. Department of Homeland Security, United States Department of Justice..(Waterman, Brandon) (Entered: 01/17/2026)
01/17/2026	9	DECLARATION of Deportation Officer Michael Damiano in Support re: 7 MOTION to Transfer Case *to the U.S. District Court for the Eastern District of New York, or Alternatively, Dismiss*.. Document filed by Todd M. Lyons, Kristi Noem, Pamela Bondi, U.S Immigration and Customs Enforcement, U.S. Department of Homeland Security, United States Department of Justice..(Waterman, Brandon) (Entered: 01/17/2026)
01/19/2026	10	MEMORANDUM OF LAW in Opposition re: 7 MOTION to Transfer Case *to the U.S. District Court for the Eastern District of New York, or*

		Alternatively, Dismiss. . Document filed by Francisco Franco..(Hecht, Leonard) (Entered: 01/19/2026)
01/20/2026	11	ORDER granting 7 Motion to Transfer Case. Accordingly, for the reasons stated in Respondents' submission, this case must be transferred to the Eastern District of New York. ECF No. 8 at 3-6; Khalil v. Joyce, 771 F. Supp. 3d 268, 280-86 (S.D.N.Y. 2025). All conferences and deadlines are CANCELLED. The Court GRANTS Respondents' Motion to Transfer the case to the Eastern District of New York. This Court's Initial Scheduling Order prohibited removal of Petitioner from the United States, or transfer of the Petitioner outside of the Eastern District of New York, the Southern District of New York, or the District of New Jersey. See ECF No. 4. That directive remains in effect unless and until the transferee court orders otherwise. The Clerk of Court is respectfully directed to terminate ECF No. 7 and to transfer this case to the Eastern District of New York. (Signed by Judge Dale E. Ho on 1/20/2026) (rro) Transmission to Office of the Clerk of Court for processing. (Entered: 01/20/2026)

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