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June 17, 2026

Hon. Anthony J. Brindisi
United States District Judge
Alexander Pirnie Federal Bldg. and U.S. Courthouse
10 Broad Street
Utica, NY 13501

RE: *Matavaca Gualli v. Ball, et al.*
Civil Action No. 9:26-cv-01247

Dear Judge Brindisi:

I represent the Federal Respondents in the above-captioned action. Today, at approximately 1:21 p.m., this Court issued an order that, *inter alia*, enjoins Respondents from transferring Petitioner outside the Northern District of New York until the civil matter is resolved. I write to inform the Court that Petitioner began transfer to the Buffalo Federal Detention Facility ("BFDF") at approximately 11:56 a.m.—prior to this Court's order enjoining transfer. Respondents therefore respectfully request that the Court modify its Order to permit Petitioner's detention within either the Northern ***or Western*** Districts of New York.

The Petition and the Court's Order were served on the U.S. Attorney's Office ("USAO") through CM/ECF on June 17, 2026, at approximately 12:01 p.m. and 1:21 p.m., respectively. The USAO promptly notified ICE of the Order. ICE responded that Petitioner had already been transported to BFDF and had left the Champlain Hold Room in Champlain, New York at approximately 11:56 a.m.—prior to the restriction on transfer being ordered. After being informed of this, Petitioner's counsel provided a CM/ECF filing receipt showing that the Petition was filed at 11:39 a.m. on June 17, 2026—shortly before the Petitioner's departure from the facility and while he was still physically present within the Northern District of New York. Based on these facts, Respondents do not intend to contest this Court's jurisdiction over the habeas proceeding.

Petitioner was last reported at 2:48 p.m. to be en route to the BFDF in Batavia, New York. At that time, no further information was available regarding Petitioner's precise location or route of transport. Petitioner was previously held temporarily at the Champlain Hold Room, which is not a federal detention facility. Upon information and belief, there is no federal detention facility within the Northern District of New York. The closest federal detention facility is the BFDF in Batavia, New York, within the Western District of New York. Respondents therefore request that the restriction-on-transfer order be extended to also include the Western District of New York.

As an initial matter, the Petition does not allege any facts in support of the request for an order preventing the Petitioner's removal from the Northern District of New York. Petitioner fails to articulate how an anti-transfer order is necessary to protect jurisdiction here. To the contrary, jurisdiction over a habeas petition is determined by the place of physical custody at the time of the filing of the Petition and does not follow the Petitioner if he is later transferred. *See, e.g., Walker v. Searls,* No. 23-CV-140-LJV, 2024 WL 1735213, at *7 (W.D.N.Y. Apr. 23, 2024) ("In other words, regardless of where Walker is housed, this Court retains jurisdiction over his habeas petition. So there is no need to interfere with DHS's authority to "arrange for appropriate places of detention" under 8 U.S.C. § 1231(g)(1), and Walker's motion to prevent his transfer is denied"); *Shaikh v. Barr*, No. 20-CV-6300 CJS, 2020 WL 7021443, at *3 (W.D.N.Y. Nov. 30, 2020) (same)). Thus, because Petitioner was detained at a location within the Northern District of New York at the time the Petition was filed, jurisdiction has been secured in the Northern District of New York and will not be impacted by the Petitioner's transfer to the Western District of New York.

I have conferred with Petitioner's counsel; however, Petitioner's counsel has not yet advised of his position on this issue as of the time of filing. The government is prejudiced by the Court-imposed requirement to keep Petitioner within this District, given the circumstances of Petitioner's transport and timing of the Court's order enjoining transfer as outlined above. Respondents therefore respectfully request modification of the Court's Order to enjoin transfer outside of the Northern or Western Districts of New York.

Thank you for your consideration of this request.

Respectfully Submitted,

TODD BLANCHE
Acting Attorney General

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By: *s/ Alexis M. Osborne*
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