UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

PUTHARACHIYAMNI SOMASUNDARAM,

Petitioner,

v.

MICHAEL NESSINGER, et al.,

Respondents.

Civil Action No.
26-CV-545-JJM-AEM

RESPONSE TO HABEAS PETITION AND MOTION

Respondent's hereby respond to the Petition for Writ of Habeas Corpus filed by Petitioner Putharachiyamni Somasundaram ("Petitioner"). ECF 1. The Court should deny the petition because it concedes detention was lawful and only sought to prevent Petitioner's transfer, which is outside the final relief available under the habeas statute. Moreover, as set forth below, ICE did not transfer the Petitioner in violation of the Court's 72-hour Order. ECF 3. That transfer started with his departure from the Wyatt Detention Center (to Massachusetts) at 11 a.m. on Monday, August 10, 2026, *see* **Ex. 1**; the U.S. Attorney's Office did not receive notice of the Court's 72-hour Order until 3:38 p.m. that same day. And by that time, the Petitioner had already departed from the Laurence G. Hanscom Field ("Hanscom") in Bedford, Massachusetts. **Ex. 2**. Because ICE did not violate the Court's 72-hour Order, Respondents respectfully ask the Court to reconsider its August 12, 2026, Text Order or, in the alternative, to extend Respondents' deadline to comply with it by 14 days.

First, the Petition should be denied because the ultimate purpose of habeas relief is to seek release from unlawful detention, not a stay of transfer to another jurisdiction as requested in the petition (even as the practice of this Court has been to prevent transfers, after the filing of habeas petitions, without 72 hours notice,

during the pendency of noncitizen habeas petitions). *See Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005); *see Benito Vasquez v. Moniz*, 788 F. Supp. 3d 177, 182 (D. Mass. 2025) ("[T]o the extent petitioner seeks to enjoin ICE from removing him from Massachusetts indefinitely, . . . such requests are beyond the extent of habeas relief. Writs of habeas corpus can be used only to request release from custody."). Consequently, the Petition should be denied.

Petitioner's primary contention is not that his detention is unlawful, but that he was entitled to a bond hearing (about which there is no dispute) and, therefore, that the Court should preclude his transfer outside Massachusetts so that he could adequately present his on-going removal proceedings to the Immigration Court. *See* ECF 1, ¶ 13. Such relief exceeds the habeas statute. "Habeas is at its core a remedy for unlawful executive detention." *Munaf v. Geren*, 553 U.S. 674, 693 (2008). The writ of habeas corpus and its protections are "strongest" when reviewing "the legality of Executive detention." *INS v. St. Cyr*, 533 U.S. 289, 301 (2001). Therefore, the traditional function of the writ is to seek one's release from unlawful detention. *Dep't of Homeland Sec. v. Thuraissigiam*, 140 S. Ct. 1959, 1969 (2020) (citing *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973)). As the *Thuraissigiam* Court held, relief other than "simple release" is not available in a habeas action. *See id.* at 1970-71 ("Claims so far outside the core of habeas may not be pursued through habeas.") (internal quotations and citations omitted).

Here, the petitioner is not entitled to release, because the Government may lawfully hold him pending the bond hearing under 8 U.S.C. § 1226(a). Petitioner belatedly sought to stop his transfer outside Massachusetts—a final objective that is outside the scope of permissible relief under the habeas statute (as distinguished from no-transfer orders during the pendency of habeas proceedings). *Thuraissigiam*, 140 S. Ct. at 1970; *see also, e.g., E.F.L. v. Prim*, 986 F.3d 959, 965-66 (2nd Cir. 2021) (holding that a petitioner could not invoke an alleged Suspension violation when a

petition does not contest the lawfulness of restraint or seek release from custody); *Rauda v. Jennings*, 55 F.4th 773, 780 (9th Cir. 2022) (same).

In fact, as noted above, other courts within this Circuit have held that the sole purpose of habeas is to seek release from detention; thus, habeas does not extend to requests for a stay of transfer to another jurisdiction, as requested in the petition in that case and here. *See Benito Vasquez*, 788 F. Supp. 3d at 182 ("[T]o the extent petitioner seeks to enjoin ICE from removing him from Massachusetts indefinitely, . . . such requests are beyond the extent of habeas relief. Writs of habeas corpus can be used only to request release from custody."). Accordingly, the Petition should be denied.

Second, ICE did not violate the Court's 72-hour order by transferring him out of Rhode Island on August 10. 2026. Respondents have attached as Exhibit 1, a Transportation Trip Log that shows that Petitioner departed Wyatt at 11:00 a.m. on Monday, August 10, 2026, and arrived at the ICE Boston Field Office in Burlington, Massachusetts ("BDR") at 12:00 p.m. that same day.[1] The Petitioner then departed BDR and hour later, at 1:02 p.m., bound for Hanscom in Bedford, Massachusetts, arriving at Hanscom at 1:22 p.m. At Hanscom, Petitioner boarded a flight to Louisiana, which departed at or around 3:04 p.m. **Ex. 2**, ¶ 14 (Declaration of Brian E.

---

[1] Respondents' **Ex. 1** is a handwritten and scanned document and may therefore be difficult to discern. To aid the Court, Respondents' counsel has transposed a partial excerpt of the handwritten text below; "11" corresponds to the Petitioner.

Time Out	Begin Mileage	From	To	Time In	End Milage	Person(s) Transported
0700	135834	Peso	Wyatt	0820	135884	0
1100	135884	Wyatt	BDR	1200	135936	1 – 12
1302	135936	BDR	Hanscom	1322	135946	1, 2, 4 – 12

Sullivan). The Court's 72-hour order was received by the U.S. Attorney's Office at 3:36 p.m. and transmitted to ICE at 3:40 p.m.—nearly five hours after Petitioner had already been moved from the Wyatt, and more than 30 minutes after Petitioner's flight had departed. (This Office appreciates receiving a second directly from the Court that attached its 72-hour Order, which auto-forwarded to ICE at 3:42 p.m.)

Third, Respondents also respectfully request that this Court reconsider its August 12, 2026, order as Respondents did not violate the 72-Hour Order.

In the alternative to relieving the Respondents of complying with that Order (as there was no violation of the 72-hour Order), Respondents respectfully request a 14-day extension to collect the requested documents; conduct a privilege review in anticipation of an *ex parte*, in camera review by the Court of the requested documents (without redactions); to prepare and produce to the Court a log to ensure its production of those communications (if necessary) would not constitute a waiver; and to also move the Court for a protective order under Federal Rule of Evidence 502(d) (authorizing the Court to "order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court").

Dated: August 12, 2026

Respectfully submitted,

TODD BLANCHE
Attorney General

CHARLES C. CALENDA
First Assistant United States Attorney
District of Rhode Island

/s/ Trevor Griffin

TREVOR J. GRIFFIN
Assistant United States Attorney
One Financial Plaza, 17th Floor
Providence, RI 02903
401.709.5000
Trevor.Griffin@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that, on August 12, 2026, I filed the foregoing document through this Court's Electronic Case Filing (ECF) system, thereby serving it upon all registered users in accordance with Federal Rule of Civil Procedure 5(b)(2)(E) and Local Rule Gen 304.

/s/ Trevor Griffin
Trevor J. Griffin
Assistant United States Attorney