UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

Putharachiyamni SOMASUNDARAM Petitioner, v. MICHAEL NESSINGER, Warden, Donald W. Wyatt Detention Facility; PATRICIA HYDE, Acting Field Office Director, U.S. Immigration and Customs Enforcement, Boston Field Office; DAVID J. VENTURELLA, Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement; and, MARKWAYNE MULLIN, Secretary of U.S. Department of Homeland Security, Respondents.	Case No. 26-545 **OPPOSITION TO RESPONDENTS' REQUEST TO RECONSIDER**

This is a response to Respondent's request that the Court reconsider its Order on August 12, 2026 regarding the petition of habeas corpus filed on behalf of Petitioner, Putharachiyamni Somasundaram. Petitioner opposes Respondent's request to reconsider and respectfully asserts the following:

1. Prior to the filing of his petition, Petitioner had been confined in the Donald D. Wyatt Detention Facility in Central Falls, Rhode Island since approximately July 31, 2026.

2. On August 10, 2026, at the time Petitioner's counsel filed his habeas petition, Immigration and Customs Enforcement ("ICE") was actively transporting Petitioner to Louisiana, though counsel was not aware of this and had every reason to believe he was still at the Wyatt Detention Center. Specifically, at 2:57 PM, minutes before Petitioner's counsel submitted his petition, the online ICE Detainee Locator stated that Petitioner was still at the Wyatt Detention Facility. See ICE Detainee Locator on August 10, 2026 at 2:57 PM, filed with Petitioner's Status Report on August 11, 2026. Petitioner's counsel could not have known that a few hours prior ICE had moved Petitioner to Hanscom Field for a flight to Louisiana.
3. Petitioner was confined in the Wyatt Detention Facility for over a week prior to the petition's filing, and Petitioner's counsel believed—per the ICE Detainee Locator—that he was still there at the time of filing. The fact that Respondents received this Court's no-transfer order approximately 30 minutes after Petitioner's flight had departed does not negate the fact that the confinement Petitioner challenges has predominantly been in Rhode Island and was thought to still be occurring in Rhode Island when the petition was filed. See Respondents' Response to Habeas Petition on August 12, 2026; ICE Detainee Locator on August 10, 2026 at 2:57 PM, filed with Petitioner's Status Report on August 11, 2026.
4. This Court retains jurisdiction because at the time the habeas petition was filed, counsel had every reason to believe that Petitioner was in Rhode Island, and Respondents represented this through the ICE Detainee Locator. See 28 U.S.C. § 2241 (stating that the petition must be "filed in the district of confinement"); Rumsfeld v. Padilla, 542 U.S. 426, 434 (2004) (quoting 28 U.S.C. § 2242) (finding that "the proper respondent to a

habeas petition is 'the person who has custody over [the petitioner]'"); Ex Parte Endo, 323 U.S. 283, 304-05 (1944) (rejecting mootness after transfer because "there is no suggestion that there is no one within the jurisdiction of the District Court who is responsible for the detention of appellant and who would be an appropriate respondent"); Anariba v. Dir. Hudson Cnty. Corr. Ctr., 17 F.4th 434, 446 (3d Cir. 2021) ("[T]he District Court retained jurisdiction following Argueta's transfer out of New Jersey because it already had acquired jurisdiction over Argueta's properly filed habeas petition that named his then immediate custodian.").

5. Due to his transfer to Louisiana on August 10, 2026, the Chelmsford, MA Immigration Court postponed his bond hearing from August 11 at 1pm to August 13, 2026 at 2:30pm. See Tab A, Custody Redetermination Notice. On the day of the hearing, Petitioner's counsel logged in to WebEx to appear for the hearing, but was told by the Court that the hearing was no longer on the Court's docket. According to the Executive Office for Immigration Review (EOIR) online portal, the hearing was no longer scheduled because "the alien withdrew the bond request." See Tab B, EOIR Portal Bond Request. Petitioner did not withdraw his bond request. Counsel received no notice of the hearing being cancelled. Presumably, the Court cancelled the hearing solely because Respondents transferred Petitioner out of the Chelmsford Immigration Court's Jurisdiction and filed an I-830, Notice of Change of Alien Address. See Tab C, EOIR Portal Bond Transfer; Tab F, I-830 Notice.

6. Later in the afternoon on August 13, the EOIR portal was updated to reflect that the bond matter was automatically transferred by the Chelmsford Immigration Court to the Laredo Immigration Court in Laredo, Texas. See Tab C, EOIR Portal Bond Transfer. See also

EOIR PM 25-49 (PDF) Clerical Transfers of Bond Redetermination Requests (Sept. 15, 2025) (stating that pending bond requests for aliens transferred out of the geographic area will be clerically transferred to the new appropriate Immigration Court). This unnecessarily delays Petitioner's right to seek bond, solely based on Respondents' unilateral decisions to repeatedly transfer him, prolonging his detention and violating his right to due process.

7. Moreover, though it may not be explicit forum shopping, it must be noted that the burden of proof for a bond matter in the First Circuit is on the Department of Homeland Security, while the Board of Immigration Appeals continues to place the burden on the noncitizen outside the First Circuit. See Brito v. Barr, 415 F. Supp. 3d 258, 263 (D. Mass. 2019) (placing the burden on the Government to establish that continued detention is warranted); Matter of Guerra, 24 I&N Dec. 37, 40 (BIA 2006) (placing the burden on the noncitizen to demonstrate that he merits release on bond).

8. Petitioner is now scheduled for a hearing at the Laredo, Texas Immigration Court. See Tab D, EOIR Portal Master Hearing. However, Petitioner's counsel has received no indication from Respondents that Petitioner has been or will be moved to Texas. The ICE Detainee Locator reflects that he is in Louisiana. See Tab E, ICE Detainee Locator August 14, 2026 at 9:40 AM. Given the discrepancy between the ICE Detainee Locator and the Immigration Court hearing schedule, it is unclear where Petitioner is.

9. Respondents' contention that a no-transfer order falls outside the scope of habeas relief misses the purpose of Petitioner's requested relief. The no-transfer order is requested in order to preserve Petitioner's access to the habeas review of his detention. See United States v. Shipp, 203 U.S. 563, 573 (1906) (finding that a court has authority "from the

necessity of the case to make orders preserving the conditions and the subject of the petition"); FTC v. Dean Foods Co., 384 U.S. 597, 603-04 (1966) (finding that courts have "limited judicial power to preserve the court's jurisdiction or maintain the status quo").

10. Respondents have repeatedly transferred Petitioner to different locations and, in doing so, have repeatedly disrupted and postponed his efforts to obtain a determination regarding his custody. These transfers have occurred without meaningful notice to counsel, and the ICE Detainee Locator has not provided counsel with reliable information regarding his whereabouts. Therefore, the no-transfer order is necessary so that Petitioner can effectively seek judicial review of his confinement before Respondents may move him elsewhere again.
11. Petitioner should not be required to continually pursue judicial review each time Respondents elect to change his place of detention. Petitioner respectfully requests that this Court enforce its previous order and compel Respondents to return Petitioner to Rhode Island.

Respectfully submitted,

August 14, 2026

PETITIONER Putharachiyamni SOMASUNDARAM

By his attorney,

/s/Robin Nice

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INDEX OF DOCUMENTS IN SUPPORT OF STATUS REPORT
Putharachiyamni SOMASUNDARAM

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A	Custody Redetermination Notice
B	EOIR Portal Bond Request
C	EOIR Portal Bond Transfer
D	EOIR Portal Master Hearing
E	ICE Detainee Locator on August 14, 2026 at 9:40 AM
F	I-830 Notice of Change of Alien Address

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non registered participants on August 14, 2026.

Date: August 14, 2026

/s/ Robin Nice

Robin Nice