

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

Tok v. Nessinger

Tok · No. C.A. No. 25-cv-371-MRD-PAS · Decided January 14, 2026

SUMMARY

The United States District Court for the District of Rhode Island denied Eylem Tok’s petition for a writ of habeas corpus challenging her extradition to Türkiye. The court held that the alleged offenses were within the applicable extradition treaty, that the submitted arrest warrants satisfied the treaty’s requirements, and that the punishment and dual-criminality requirements were met. The court also addressed Tok’s Fourth and Fifth Amendment arguments concerning the extradition documentation, probable cause, arrest, and detention.

CASE DETAILS

COURT	United States District Court for the District of Rhode Island
WRITING FOR THE COURT	Melissa R. DuBose
JURISDICTION	United States District Court for the District of Rhode Island
DECIDED	January 14, 2026
DOCKET	C.A. No. 25-cv-371-MRD-PAS
DISPOSITION	denied
PROCEDURAL POSTURE	Petition for federal habeas corpus challenging a magistrate judge's certification of extradition to Türkiye and the petitioner's continued detention.
STANDARD OF REVIEW	A district court reviews a magistrate judge's extradition decision through habeas corpus and ordinarily considers only jurisdiction, whether the charged offense falls within the extradition treaty, and whether there was evidence supporting reasonable grounds to believe the accused guilty. Treaty interpretation and probable-cause questions presented as legal issues are reviewed de novo. The review is not a rehearing of matters already decided by the magistrate judge, although serious due-process concerns may justify review beyond the ordinary narrow scope.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

PARTIES

Eylem Tok v. Michael Nessinger, Warden

TOPICS

federal habeas corpus

foreign affairs

fourth amendment

fifth amendment

due process

PRACTICE AREAS

federal habeas corpus

extradition

international law

constitutional law

QUESTIONS PRESENTED

1. Whether Tok had been charged with, or was being prosecuted for, offenses within the meaning of the United States-Türkiye extradition treaty despite the absence of a formal indictment or charging document.
2. Whether the documents submitted by Türkiye satisfied the treaty's requirement for a judicial arrest warrant.
3. Whether the treaty's punishment threshold was satisfied when at least one charged offense carried a potential sentence exceeding one year.
4. Whether the charged conduct satisfied the dual-criminality requirement.
5. Whether omissions in the original extradition materials violated the Fourth Amendment or undermined probable cause supporting Tok's arrest and continued detention.
6. Whether the court should reject Tok's argument that her conduct did not violate Turkish law.
7. Whether Tok's continued detention violated the Fifth Amendment.

HOLDINGS

1. The treaty does not require a formal indictment, formal charge, or equivalent American charging document. The Turkish materials established that Tok had been charged with, or was being prosecuted for, the Article 281 and Article 283 offenses.
2. The two Turkish documents satisfied Article 7's arrest-warrant requirement.
3. The treaty's punishment requirement was satisfied because the Article 281 offense could carry imprisonment exceeding one year. Under Article 2(4), extradition could also proceed on the other offense even if that offense independently failed the deprivation-of-liberty threshold.
4. The conduct alleged for the Article 281 offense satisfied the treaty's dual-criminality requirement because substantially equivalent conduct could violate 18 U.S.C. § 1512 in the United States.
5. The omission of the statutory exception concerning direct ancestors or descendants did not require dismissal or invalidate the arrest because the amended complaint corrected the omission, the record still supported probable cause, and the treaty permitted additional information to be supplied.
6. Tok's continued detention did not violate the Fifth Amendment because the original detention was supported by probable cause as determined by a magistrate judge.

7. The court rejected Tok's argument that the cellphone was not evidence under Turkish law and deferred to Türkiye's reasonable interpretation of its own law.

KEY QUOTATIONS

“This Court concludes that the Petitioner has been “charged” under the Treaty, and further that Türkiye is not required to pursue Tok’s statement via the Mutual Assistance provision of the Treaty.” (III.A.1)

“The two arrest warrants Türkiye obtained and submitted as part of its extradition packet contain sufficient information to lead this Court to conclude that the Article 7 arrest warrant requirement has been satisfied.” (III.A.2)

“Simply put, Tok prevented investigators from accessing certain information to facilitate the investigation into the crash. This conduct satisfies the dual criminality requirement of the Treaty.” (III.A.4)

“For these reasons, the Petitioner’s Amended Petition for a Writ of Habeas Corpus is DENIED.”
(Conclusion)

FACTUAL BACKGROUND

Tok's son was involved in a fatal automobile accident in Istanbul, Türkiye, on March 1, 2024. After the accident, Tok transported her son and other individuals away from the scene, and a cellphone belonging to an injured person was removed from the scene and later turned over to police. Tok and her son left Türkiye approximately three hours after the accident and were arrested in Massachusetts on June 14, 2024, pursuant to Turkish extradition requests alleging destruction or concealment of evidence and protecting an offender.

PROCEDURAL HISTORY

Chief Magistrate Judge Donald L. Cabell of the District of Massachusetts certified Tok's extradition to the Secretary of State on February 11, 2025. Tok filed a habeas petition in the District of Massachusetts, which transferred the matter to the District of Rhode Island because she was detained there. The District of Rhode Island denied the amended habeas petition.

DISPOSITION

denied

CASES CITED

- Matter of Extradition of Tok, 765 F. Supp. 3d 46 (D. Mass. 2025)
- 996 F.2d 1320, 1329 & n.4 (1st Cir. 1993)
- 252 U.S. 364, 369-70 (1920)
- 754 F.3d 79, 86 (1st Cir. 2014)
- 931 F.2d 169, 171 (1st Cir. 1991)
- 268 U.S. 311, 312 (1925)
- 888 F.2d 204, 206 (1st Cir. 1989)

- 834 F.2d 1444, 1449 (9th Cir. 1987)
- 635 F.2d 1237 (7th Cir. 1980), cert. denied, 451 U.S. 938 (1981)
- 79 F.4th 352, 363, 366 (4th Cir. 2023)
- 984 F.3d 1047, 1060 (1st Cir. 2021)
- 819 F.3d 897, 901 (6th Cir. 2016)
- 259 U.S. 309, 312 (1922)
- 405 F.3d 102, 108 (1st Cir. 2005)
- 560 U.S. 1, 10 (2010)
- 552 U.S. 491, 506 (2009)
- 405 F.3d 66, 81-82 (1st Cir. 2005)
- 126 F. Supp. 3d 1297, 1304 (M.D. Fla. 2015)
- 202 F. Supp. 2d 782, 787-88 (N.D. Ill. 2002)
- Koskotas v. Roche, 931 F.2d 169, 175 (1st Cir. 1991)
- Matter of Extradition of Taylor, 484 F. Supp. 3d 13, 18 (D. Mass. 2020)

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