

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

**Aissatou Diallo v. William Joyce, New York Field Office Director,
Immigration and Customs Enforcement, U.S. Department of
Homeland Security; Kristi Noem, Secretary of Homeland Security**

No. 25-CV-9909 (AS) · No. 25-CV-9909 (AS) · Decided December 1, 2025

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK Aissatou Diallo, Petitioner, -against- William JOYCE, New York Field Office 25-CV-9909 (AS) Director, Immigration and Customs Enforcement, U.S. Department of Homeland ORDER Security; Kristi NOEM, Secretary, U.S. Department of Homeland Security, Respondents. ARUN SUBRAMANIAN, United States District Judge: On November 26, 2025, Petitioner Aissatou Diallo filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241.

Dkt. 1. She then filed an emergency motion for an order to show cause. Dkt. 3. The Government is ordered to respond to the petition by Wednesday, December 3, 2025. Petitioner's reply brief is due by Thursday, December 4, 2025.

The Court will hold a hearing on the petition on Friday, December 5, 2025 at 10:00 AM in Courtroom 15A, 500 Pearl Street, New York, NY 10007. The Government shall furnish Petitioner for the hearing. If this case has been settled or otherwise terminated, counsel are not required to appear, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination is filed on the docket prior to the date of the conference, using the appropriate ECF Filing Event.

See SDNY ECF Rules & Instructions §§ 13.17-13.19 & App'x A, available at http://nysd.uscourts.gov/ecf_filing.php. To preserve the Court's jurisdiction pending a ruling on the petition, Petitioner shall not be removed from the United States. See, e.g., *Khalil v. Joyce*, No. 25-CV-1935 (JMF), 2025 WL 750599, at *1 (S.D.N.Y. Mar. 10, 2025) (citing cases); see also, e.g., *Du v. United States Dep't of Homeland Sec.*, No. 25-CV-0644 (OAW), 2025 WL 1317944, at *1 (D.

Conn. Apr. 24, 2025) (“[A] a federal court may temporarily enjoin immigration authorities from deporting individuals if it preserves the court's jurisdiction over a case or cases.”). Moreover, to preserve counsel's access to Petitioner and facilitate resolution of the Petition, Respondents shall not transfer Petitioner 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.

See, e.g., *Perez y Perez v. Noem*, No. 25-CV- 4828 (DEH), 2025 WL 1908284, at *2—3 (S.D.N.Y. June 13, 2025) (enjoining a habeas petitioner’s transfer pending adjudication of his petition); see also, e.g., *Arostegui-Maldonado v. Baltazar*, No. 25-CV-2205-WJM-STV, 2025 WL 2280357, at *14—16 (D. Colo. Aug. 8, 2025) (same); *Oliveros v. Kaiser*, No. 25-CV-7117-BLF, 2025 WL 2677125, at *8—9, *11 (N.D.

Cal. Sept. 18, 2025) (same). SO ORDERED. Dated: December 1, 2025 New York, New York
ARUN SUBRAMANIAN United States District Judge