

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ravidath Lawrence RAGBIR

Petitioner

vs.

Jefferson SESSIONS III, in his official capacity as the Attorney General of the United States; Kirstjen NIELSEN in her official capacity as Secretary of Homeland Security; Thomas DECKER, in his official capacity as New York Field Office Director for U.S. Immigration and Customs Enforcement; Scott MECHKOWSKI, in his official capacity as Assistant New York Field Office Director for U.S. Immigration and Customs Enforcement; and the U.S. DEPARTMENT OF HOMELAND SECURITY.

Respondents

Case No.: 1:18-cv-236

PETITIONER'S MOTION TO
ENFORCE THE COURT'S
ORDER OF JANUARY 11, 2018

Plaintiffs file this Motion seeking full enforcement of this Court's January 11, 2018 order to restrain Respondents from transferring Petitioner Ravidath Ragbir from the jurisdiction of the New York Field Office of the Office of Enforcement and Removal Operations by returning him to the jurisdiction.

Transferring Mr. Ragbir out of the New York region causes him irreparable harm by depriving him of the ability to effectively and confidentially communicate with his counsel, and preventing his family from visiting him in detention. This was the basis for the temporary restraint sought in Petitioner's application for an order to show cause, which this Court granted. Counsel for Respondents were immediately informed of the Court's order. However, Respondents' counsel has informed Petitioner's counsel that Mr. Ragbir was placed on a plane to

Miami and is currently being detained in Krome Detention Facility in Florida, and that ICE is “not inclined to return” Mr. Ragbir to this jurisdiction. *See* Ex. 1; Alina Das Decl. ¶ 6.

On January 11, 2018, Respondents transferred Mr. Ragbir out of the New York region after the undersigned counsel filed a petition for a writ of habeas corpus at approximately 11:15 am with this Court. *See* Das Decl. at ¶ 4. The petition requested, among other forms of relief, that the Court “[e]njoin Respondents from transferring the Petitioner outside the jurisdiction of the New York Field Office pending the resolution of this case.” *See* Habeas Petition, 24.

At approximately 1:29 pm the same day, the undersigned counsel notified Respondents’ counsel of its intent to file an application for an order to show cause, including a restraint on transfer from the jurisdiction, later that day. *See* Das Decl. at ¶ 4. This Court issued the requested order at approximately 4:15 pm, instructing that, “[p]ending consideration, Respondents ARE HEREBY RESTRAINED from transferring Petitioner from the jurisdiction of the New York Field Office of the Office of Enforcement and Removal Operations.” *See* Order to Show Cause. Undersigned counsel emailed a copy of the order to Respondent’s counsel at approximately 4:21 pm. *Id.* at ¶ 5.

Notwithstanding Respondent’s knowledge of the request contained in the habeas petition and the issued order to show cause, upon information and belief, Mr. Ragbir was placed on United Airlines flight 1923, which took off at 4:45 pm, nearly three hours after Respondents’ received notice of the impending application. *See* Ex. 3. Moreover, at approximately 9:41 pm, counsel for Respondents informed counsel for Petitioner that ICE is “not inclined to return” Petitioner to this jurisdiction, despite this Court’s order. *Id.* at ¶ 6.

Given Respondents’ clear contravention of this Court’s January 11, 2018 order restraining them from removing Petitioner from this jurisdiction, Petitioner requests that this

Court enforce its order by ordering Respondents to return Petitioner to the jurisdiction of the New York Field Office, which includes facilities in Hudson County, NJ; Bergen County, NJ; and Orange County, NY. *See* Ex. 2.

Dated: New York, New York
January 12, 2018

Respectfully submitted,

/s/ Alina Das
ALINA DAS, Esq. (AD8805)
JESSICA ROFÉ, Esq. (JR5231)
Brittany Castle, Legal Intern
Jeremy Cutting, Legal Intern
Washington Square Legal Services, Inc.
Immigrant Rights Clinic
245 Sullivan St., 5th floor
New York, New York 10012
Tel: (212) 998-6430
alina.das@nyu.edu

Counsel for Petitioner