

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Fabio Noe Garcia Sarmiento

v.

Case No. 20-cv-251-PB
Opinion No. 2020 DNH 024

William Barr,
U.S. Attorney General;

Chad Wolf,¹
Acting Secretary, U.S. Department of Homeland Security;

Marcos Charles,
Acting Boston Field Office Director, Immigration and Customs
Enforcement, Enforcement and Removal Operations; and

Christopher Brackett,
Superintendent, Strafford County Department of Corrections

O R D E R

Before me is Fabio Noe Garcia Sarmiento's petition for a writ of habeas corpus under 28 U.S.C. § 2241 (Doc. No. 1), which petitioner filed while in the custody of Immigration and Customs Enforcement ("ICE") at the Strafford County Department of Corrections ("SCDC"). The petition is before me to determine whether it is facially valid and may proceed. See Rule 4 of the Rules Governing Section 2254 Cases ("Section 2254 Rules"); see

¹ On November 13, 2019, Chad Wolf assumed the role of Acting Secretary of the U.S. Department of Homeland Security. Pursuant to Fed. R. Civ. P. 25(d), he automatically replaces the nominal respondent, Kevin McAleenan, who held that role previously.

also Section 2254 Rule 1(b) (authorizing court to apply Section 2254 Rules to Section 2241 petitions); LR 4.3(d)(4).

The petition includes facially valid claims that warrant service. Service upon Barr, Wolf, and Charles shall be effected by the clerk's delivery of the Petition and this Order to the United States Attorney for the District of New Hampshire, and by sending the same documents by certified mail to the ICE Boston Field Office, 1000 District Ave., Burlington MA 01803; and to the United States Attorney General and the Homeland Security Acting Secretary in Washington, DC. Service upon SCDC Superintendent shall be effected by providing the same documents to the U.S. Marshals Service for service upon Brackett, pursuant to Fed. R. Civ. P. 4(j)(2).

The court's February 18, 2020 Order schedules a status conference for February 28, 2020; specifies February 25, 2020 as the federal respondents' deadline for responding to the petition; defers the SCDC Superintendent's duty to respond until further order; and prohibits respondents from transferring petitioner to another facility outside of this court's jurisdiction pending further order. That Order remains in full effect. In addition, going forward, respondents shall provide this court with at least 48 hours' advance notice of any scheduled removal or transfer of Petitioner out of this court's jurisdiction.

SO ORDERED.

/s/ Paul J. Barbadoro
Paul J. Barbadoro
United States District Judge

February 19, 2020

cc: Ronald L. Abramson, Esq.
U.S. Attorney's Office