U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

February 20, 2025

By ECF

Honorable Diane Gujarati
United States District Judge
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Pullara v. Joyce et al.,* Civil Action No. 25-cv-0870 (Gujarati, J.)

Dear Judge Gujarati:

In accordance with Your Honor's Order dated February 19, 2025, Respondents-Defendants, after consulting with counsel for Petitioner-Plaintiff, respectfully submit this joint status letter.

By way of background, Petitioner-Plaintiff is subject to a final order of removal and is not being detained. On February 14, 2025, the Honorable Hector Gonzalez, in his capacity as Miscellaneous Judge, issued a Temporary Restraining Order (the "TRO") that: (1) enjoined Respondents-Defendants from detaining Petitioner-Plaintiff, or revoking his Order of Supervision, until February 24, 2025; and (2) directed the parties to appear before Your Honor for an initial hearing on February 24, 2025 at 11:00 a.m. Dkt. 7. Petitioner-Plaintiff's counsel has represented to the undersigned that they are working with Petitioner-Plaintiff to establish a continuity of care plan to allow for his voluntary departure to Italy.

Respondents-Defendants, without waiving any claim, argument, or defense, have agreed not to detain Petitioner-Plaintiff, or to revoke his Order of Supervision, at any time until and including March 20, 2025. Respondents-Defendants therefore respectfully submit that there is no need for the provision of the TRO that enjoins them from taking those actions until February 24, 2025, and that the Court should strike that provision. Petitioner-Plaintiff takes a different position. He requests that: "the Court extend the TRO based upon Respondents-Defendants' consent not to detain him or revoke his Order of Supervision or upon a finding of good cause under Fed. R. Civ. Proc. 65(b)(2)." If the Court is unable to resolve the forthcoming preliminary injunction motion prior to March 21, 2025, Petitioner-Plaintiff have informed undersigned counsel that they will seek to further extend the TRO pending its resolution.

Further, the parties have agreed, subject to Your Honor's approval, on a briefing schedule for Petitioner-Plaintiff's contemplated motion for a preliminary injunction:

1. Petitioner-Plaintiff to serve and file his opening papers by February 28, 2025 at noon;
2. Respondents-Defendants to serve and file their opposition papers by March 11, 2025; and
3. Petitioner-Plaintiff to serve and file any reply papers by March 14, 2025.

The parties have conferred and are available to appear before Your Honor for oral argument on the mornings of March 18, 19 or 20, 2025. Respondents-Defendants are also available on the afternoons of those days. Counsel for the Plaintiff-Petitioner have teaching responsibilities on those afternoons but are prepared to appear on those afternoons if necessary.

Finally, Should the Court approve this proposed schedule, there would be no need for the parties to appear for the hearing scheduled for February 24 at 11:00 a.m., as set forth in the TRO, but they are willing to appear before Your Honor on that date and time if the Court so directs them. Therefore, the parties respectfully request that the February 24 hearing be adjourned *sine die.*

The parties thank the Court for its consideration of this submission.

Respectfully submitted,

JOHN J. DURHAM
United States Attorney

By:

/s Elliot M. Schachner
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cc: Counsel for Petitioner-Plaintiff (by ECF)