U.S. Department of Justice

United States Attorney
Eastern District of New York

610 Federal Plaza
Central Islip, New York 11722

June 5, 2025

Via ECF

Honorable Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *L.G.M. v. Anthony J. LaRocco et al.*
Civil Action No. 25 CV 2631 (Chen, J.)

Dear Judge Chen:

This Office represents Respondents William P. Joyce, in his capacity as Acting Field Office Director, New York City Field Office, U.S. Immigration and Customs Enforcement ("ICE"); Kristi Noem, in her official capacity of Secretary, U.S. Department of Homeland Security; and Pamela Bondi, in her official capacity as Attorney General, U.S. Department of Justice (collectively, the "Federal Respondents") in this action.

Further to and consistent with the Federal Respondent's May 16, 2025 letter to the Court, *see* Dkt. No. 12, the Federal Respondents respectfully submit the attached proposed Order. The Order directs ICE to undertake the type of burden-shifted bond hearing before the immigration court referenced in *Black v. Decker*, 103 F.4th 133, 155-59 (2d Cir. 2024) (concluding that due process entitles 1226(c) detainees to an "*individualized bond hearing by an IJ* once their detentions became unreasonably prolonged," 103 F.3d at 155, and setting forth the procedures for an IJ to conduct a bond hearing.) (Emphasis added).

Because the government acknowledges that this Court is currently bound by *Black* and to conserve judicial resources, the government respectfully submits that the Court should defer to the immigration court and all of its "expertise, familiarity, and authority" regarding bond hearings. *Smith v. Ogle*, No. 3:21-cv-01129, 2023 WL 3369154, at *7 (M.D. Pa. Jan. 3, 2023) ("an immigration judge" -- not the district court -- "should conduct the bond hearing"); *Ahad v. Lowe*, 235 F. Supp. 3d 676, 679 n.1 (M.D. Pa. 2017) (declining to retain jurisdiction over petition "in the event the immigration judge fails to" conduct the ordered bond hearing, and deferring to the immigration court's "expertise, familiarity, and authority" on immigration matters, while noting that district court-led bond hearings would "amount to an entirely inefficient allocation of public resources") (quotations omitted).

Were the Court to wade into the practice of bond hearings or hold such hearings itself, it would likely produce a deluge of requests from ICE detainees who file habeas petitions as they temporarily pass through this district -- and open the door to such requests becoming commonplace. The result would be district courts being forced to spend considerable time and resources scheduling, preparing for, and holding such hearings simply because an ICE detainee passed through this district and was temporarily housed at the Nassau County Correctional Center ("NCCC") while awaiting a flight to an ICE facility in another state or removal to another country. As set forth in the May 19, 2025 Declaration of Jospeh T. Pujol, ICE's Acting Assistant Field Office Director in the New York City Field Office of Enforcement and Removal Operations, NCCC is staging facility suitable to accommodate detainees for no more than 72 hours while awaiting a flight from one of the New York metropolitan area's several airports. To avoid that, the Court should direct the Immigration Judge to conduct any bond hearing.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney

By: JAMES KNAPP Digitally signed by JAMES KNAPP Date: 2025.06.05 18:09:24 -04'00'

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Encl.

cc: **Via ECF**
Petitioner's counsel