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October 20, 2025

Judge Pamela K. Chen
Courtroom: 4F
225 Cadman Plaza East
Brooklyn New York 11201

Re: L.G.M. v. LaRocco, 2:25-cv-02631-PKC

Dear Judge Chen,

This Letter is submitted on behalf of the Petitioner, L.G.M., to update the Court regarding L.G.M.'s petition for review pending before the U.S. Court of Appeals for the Second Circuit. L.G.M.'s immigration merits appeal will not be briefed for at least 180 days and it will be many months, or even more than a year, before a decision is issued by the Second Circuit. Without further redress by this Court, L.G.M. will remain in ICE detention despite the order from this Court granting bond. L.G.M. respectfully seeks the Court to issue the final bond conditions to effectuate this Court's order and remedy his unconstitutionally prolonged civil detention.

In this case, the government Respondents filed an appeal of this Court's order for a bond hearing and decision granting bond to L.G.M. ECF 50. The government's opening brief on appeal will not be filed until December 10, 2025, and L.G.M. will have 91 days to respond. *See* Scheduling Notification, Exhibit A; *see also*, Second Circuit Local Rule 31.2(a)(1)(B). Importantly, as addressed in previous briefing, the government has *not* filed a stay of this Court's bond decision pending appeal. *See* ECF 59. In the absence of a stay, this Court has authority to issue any necessary orders to make its decision effective. *See* ECF 59 at 13-15; *see also, City of New York*

v. Venkataram, No. 06 CIV. 6578 NRB, 2012 WL 2921876, at *3 (S.D.N.Y. July 18, 2012) ("At the outset, we emphasize that the existence of a pending appeal does not divest this Court of jurisdiction to enforce its judgments to the fullest extent.") (*citing United States v. Pescatore,* 637 F.3d 128, 144 (2d Cir.2011).

In addition, on September 19, 2025, the Second Circuit issued a temporary stay of removal in L.G.M.'s immigration merits case. *See L.G.M. v. Bondi*, Docket No. 25-2203; ECF 63-1. The temporary stay prevents L.G.M.'s removal from the United States while the Second Circuit considers the petition for review on the merits and full consideration of the stay motion by a three-judge panel. *See* ECF 63. In the Second Circuit, an immigration merits case is placed into tolling for 90 days to allow petitioners and government-respondents to "evaluate whether remand to the BIA. . . is appropriate." *See In the Matter of Immigration Petitions for Review Pending in the United States Court of Appeals for the Second Circuit*, Docket No. 12-4096 (2d Cir. October 16, 2012), Exhibit B. At the end of the 90-day tolling period, if the parties have not reached an agreement, or if either party moves to terminate tolling early, then the petitioner receives 91 days to file a brief and the government-respondent receives an additional 91 days for a response brief. *See* Second Circuit Local Rule 31.2(a)(1)(A) (requiring appellant's briefing deadline to be "within 91 days after the ready date), (a)(1)(B) (requiring appellee's briefing deadline to be "within 91 days after the filing of the last appellant's brief.") As a result, L.G.M.'s petition for review will not be fully briefed for approximately 180 days after the tolling period ends, in any case many months from now. Because L.G.M. has been granted a temporary stay, there is an indefinite amount of time before the Second Circuit will issue a full decision by a three-judge panel, and, in other instances, a stay decision by a three-judge panel may be issued contemporaneously with the merits decision.

Notably, the Second Circuit recently published a decision in *Villalta Martinez v. Bondi*, No. 24-115, 2025 WL 2845204 (2d Cir. Oct. 8, 2025), Exhibit C, remanding a decision of the Board of Immigration Appeals ("BIA"). In *Villalta Martinez*, the Second Circuit found "insufficient justification" for the BIA's decision to revoke an immigration judge's grant of protection under the Convention Against Torture for an applicant from El Salvador. *Id.* at *8. The Court made clear that the BIA improperly discounted credible expert testimony that "was corroborated by various sources in the record that report intentional and systematic torture, including by beating and killing suspected gang members in and outside of prisons, and by starving prisoners and subjecting them to life-threatening prison conditions. The BIA also did not grapple with evidence that the Salvadoran government has suppressed public information of its actions." *Id.* The *Villalta Martinez* decision directly supports L.G.M.'s petition, which also challenges the legally erroneous conclusions of the BIA in revoking the immigration judge's grant of protection to L.G.M. based on a likelihood of torture in El Salvador.

As the Court will recall, in June 2025 Dr. Corral stated, "[I]t is the clinical opinion of this evaluator, that [LGM]'s mental health has deteriorated due to ongoing detention and recent changes in environment . . . People living in a state of chronic stress and worry can develop mental health disorders such as anxiety, depression, and insomnia . . . This is consistent with current mental

health and deterioration of his functioning since he has been incarcerated . . . [LGM's] intellectual disability has also likely impacted his ability to cope. Individuals with intellectual disabilities may experience greater difficulties . . . understanding and communicating their needs and feelings . . . leading to increased vulnerability to mental health challenges." ECF 23-2 at 9. L.G.M. respectfully submits this letter to notify the Court of the lengthy time before a decision will be issued by the Second Circuit in the separate immigration merits petition and in the direct bond appeal. In the meantime, the government has not filed for a stay of this Court's bond order and L.G.M. respectfully seeks the Court to set the final bond conditions to appropriately remedy the unconstitutionally prolonged detention, which will otherwise continue indefinitely.

Respectfully Submitted,

FOR THE PETITIONER,

__/s/_____

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