THE LEGAL AID SOCIETY

199 Water Street
New York, NY 10038
(212) 577-3300
www.legal-aid.org

Alan Levine
President

Lynn K. Neuner
Chairperson of the Board

Twyla Carter
Attorney-in-Chief
Chief Executive Officer

May 1, 2026

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 Motion is submitted on behalf of the Petitioner, L.G.M., respectfully seeking modification of the conditions of his release.

On November 3, 2025, this Court granted L.G.M.'s habeas petition and ordered his release from the custody of U.S. Immigration and Customs Enforcement (ICE). ECF 69, Order of Release With Conditions. The Order set eight provisions pertaining to L.G.M.'s release and contained an explicit provision that "[e]ither party may seek modification of any bond condition." *Id.* at ¶ 8. Since his release, L.G.M. has been compliant with all conditions. *See* ECF 74, 76 (Joint Status Updates). On April 3, 2026, this Court ordered that any request for modification of conditions be filed by May 1, 2026. *See* Docket Order, 4/3/26.

L.G.M. hereby seeks modification of the conditions of release to permit additional exceptions to home confinement: (a) to attend in-person psychotherapy sessions once a week on Mondays at 10am; (b) to accompany his mother from 10am to noon on Saturdays for household errands; and (c) to attend in-person, Spanish speaking GED classes twice a week on Mondays and Tuesdays from 5pm - 9pm.

A. Overview of Factual and Procedural History

As a brief review of the factual background, L.G.M. is a 22-year-old young man who resides with his mother and stepfather in Long Island. ECF 1, Petition for Writ of Habeas Corpus ("Pet.") at ¶ 6. L.G.M. has been residing in the U.S. since he entered as a minor on August 9, 2016. *Id.* ¶ 6. LG.M. has been diagnosed with an intellectual disability and numerous mental health diagnoses, related to his early childhood and traumatic events while living in El Salvador. *See* Pet. ¶ 17, ECF 23-1 at 16-17, Memorandum in Support of Bail Hearing, ECF 23-2, June Report of M. Corral, PsyD; ECF 23-3 October Report of M. Corral, PsyD.

L.G.M. was granted protection from removal to El Salvador by an Immigration Judge on February 27, 2025 under the Convention Against Torture ("CAT"). Pet. ¶ 17. Upon appeal by the government, the Board of Immigration Appeals overturned the Immigration Judge's decision, and L.G.M.

filed a timely Petition for Review with the U.S. Court of Appeals for the Second Circuit on September 12, 2025. *See L.G.M. v. Blanche*, Case No. 25-2203. The Second Circuit granted L.G.M. a temporary stay of removal. *Id.*, ECF 14 (Order Granting a Temporary Stay).

Separately, on May 9, 2025, L.G.M. filed a habeas petition to challenge his nine months in ICE detention without any individualized review. On June 25, 2025, the Court granted the habeas under the standard set forth in *Black v. Decker*, 103 F.4th 133 (2d Cir. 2024). *See* ECF 30 (Memorandum and Opinion). A bond hearing was held before this Court on July 31, 2025 and, at the conclusion of the hearing, the Court ordered that L.G.M. would be released on bond subject to certain conditions to be set by the Court. ECF 43. Following briefing by the parties regarding the effect of the Respondents' appeal, on November 3, 2025, the Court imposed specific conditions on L.G.M.'s release, including a monetary bond, home confinement, GPS tracking anklet, and reporting to ICE. ECF 69 (Order of Release With Conditions). L.G.M. had been detained by ICE for one year and two months by the time he was released on conditions.

B. <u>Argument for Modification of Conditions of Release</u>

L.G.M. seeks reasonable, limited modifications of the conditions of release. After five months of strict home confinement—and with the prospect of an extended, indeterminate continuation—L.G.M. has shown consistent and complete compliance with all conditions. This sustained compliance supports the appropriateness of reasonable modifications, which are necessary to permit meaningful reintegration into his family and community and to foster his continued growth and maturity as a young adult.

L.G.M.'s home confinement will continue for many months, if not more than a year, such that modification of the home confinement order is appropriate and necessary. L.G.M.'s immigration removal case remains pending before the U.S. Court of Appeals for the Second Circuit, which has issued a temporary stay of removal. *See L.G.M. v. Blanche*, Case No. 25-2203, ECF 14 (Granting Temporary Stay of Removal). The petition is currently in the briefing stage. The government's opposition brief is due on May 25, 2025, and L.G.M.'s reply brief is due on or about June 15, 2026. Following completion of briefing, it typically takes many additional months for the Second Circuit to calendar the case and an indeterminate period thereafter for a decision to issue. *See*, e.g., *Villalta Martinez v. Bondi*, 157 F.4th 108, 113 (2d Cir. 2025) (decision issued 20 months after filing petition for review challenging BIA reversal of IJ CAT grant). In addition, the Respondents' direct appeal of this Court's habeas decision is held in abeyance at the Second Circuit. *L.G.M. v. LaRocco*, Case No. 25-3045, ECF 27 (Motion Order, granting motion to hold appeal in abeyance). As a result, L.G.M. must wait an extended, indeterminate period before receiving a final decision regarding his applications for relief from removal, and his current home confinement orders will likewise remain indefinitely, absent modification by this Court.

Currently, L.G.M. is "allowed to leave his home confinement only to attend court appearances, ICE/ISAP appointments, and medical appointments that cannot be done remotely." ECF 69, ¶ 2. L.G.M. seeks three reasonable modifications of the home confinement order. First, L.G.M. seeks a modification to permit him to attend in-person psychotherapy sessions with a Spanish speaking therapist once a week. With the support of his Social Worker, L.G.M. has identified a Spanish speaking practice, Hispanic Counseling Center, that is a 15-minute walk from his home. Exh A., Letter of A. Guzman, LMSW, April 30, 2026 ("Guzman Letter"); Exh B. Hispanic Counseling Center Information. L.G.M. attended an initial in-person psychotherapy intake at the Hispanic Counseling Center, with prior permission of ICE to leave the home for the appointment. L.G.M. "felt very comfortable with the provider" and is prepared to attend regular weekly sessions, proposed for Mondays at 10am. *Id.* at 2. This request is reasonable and narrowly tailored. The proposed time away from the home—approximately one hour, plus walking time—would afford L.G.M. limited freedom of movement and an opportunity to exercise individual responsibility. Participation in therapy is a critical component of L.G.M.'s ongoing treatment plan, supporting his psychological stability and the development of skills essential to successful community reintegration. ECF 23-3 ("It continues to be highly recommended that Mr. [G.M.] participate in Individual Mental Health Treatment. It is the opinion of this evaluator that Mr. [G.M.] would benefit from therapy with a provider that is competent in the treatment of trauma and posttraumatic stress disorder.") L.G.M. attempted to participate in remote psychotherapy while on home confinement, but limitations in technology access interfered with consistent engagement, underscoring the reasonableness and necessity of permitting him to attend therapy sessions in person. Guzman Letter at 2 ("The difficulties that he is having with technology are not conducive to building rapport with a therapist and beginning to process traumatic events and intrusive symptoms.")

Second, L.G.M. seeks a modification of conditions to allow him to leave the home on Saturdays from 10am – noon with his mother for household errands. L.G.M. is a 22-year-old young man with an intellectual disability who is working towards "reduction of his symptoms of depression and anxiety." ECF 23-2, June Report of M. Corral, PsyD. The conditions of home confinement are intended to prevent L.G.M. from interacting with prior friends and acquaintances with whom he was arrested in the past and to prevent large unattended periods of time outside the home. *See* ECF 42, July 9, 2025 Hearing Transcript at 79 -80.[1] Therefore, L.G.M.'s request is reasonable and specific to the concerns in this case. He seeks modification to allow him to leave the home only while accompanied by his mother, for a limited two-hour period on Saturday mornings, when she is not working and is able to complete necessary household errands. Guzman Letter at 2-3 ("LGM tries to maintain a positive outlook and does not complain about his circumstances. However, he expresses a desire to contribute, either though work, helping his mother with chores such as grocery shopping, and accompanying his parents when they are caring for his niece either to the park or on a family

[1] A hearing was also held on November 3, 2025, at which time the reasoning for the release conditions was discussed. Counsel for L.G.M. does not have a copy of the November 3, 2025 transcript, nor does the transcript appear on the docket at this time.

walk.") Under the proposed modification, L.G.M. will not be interacting with prior acquaintances, will not be unsupervised, and will be outside only during mid-morning, daylight hours. This specific, reasonable modification poses minimal burden on government Respondents, but will be profoundly impactful on L.G.M.'s well-being, development and continued, gradual reintegration into the community. ECF 23-3, October Report of M. Corral, PsyD, at 8 (reporting L.G.M. to be in the 4th percentile for verbal comprehension and 3rd percentile for working memory), at 10 (recommending support for L.G.M. that aligns with his cognitive abilities and support "daily living skills.")

Third, L.G.M. seeks modification of conditions to permit his attendance at an in-person, Spanish speaking General Education Development ("GED") course on Monday and Tuesday evenings near his home. L.G.M. has consistently stated that obtaining a GED is "very important" to him. Guzman Letter at 1. In January 2026, L.G.M. enrolled in a virtual Spanish-language GED program through Harlem Empowerment Project. However, L.G.M. required repeated technical assistance and had difficulty managing the virtual classes on his own. *Id.* The program was unable to provide "educational supports or tutoring for students with different academic needs." *Id.* L.G.M. ultimately had to unenroll from the program. *Id.* L.G.M.'s Social Worker reflects that L.G.M. would benefit from educational supports and in-person assistance. *Id.* ("The technological literacy required for virtual programming has proven to be a barrier for LGM and these difficulties with access are outweighing the benefits that he could otherwise glean. It would be especially beneficial if he could participate in an in-person GED program where he would have immediate support from the instructors, practice new skills and concepts with others, receive adapted methods of instruction, and benefit from the questions and experiences of his peers.") With assistance of his Social Worker, L.G.M. has identified an in-person GED program, Circulo de la Hispanidad, that is within an approximately 24 minute walk, 15 minute bus ride, and 6 minute car ride from his home. *Id.* at 2; Exh. C, Circulo de la Hispanidad Information. The program meets on Mondays and Tuesdays from 5pm – 9pm. L.G.M. requests modification of his conditions to allow him to walk or take the bus to the GED program on Mondays and Tuesdays at 5:00 p.m., and to be picked up by his mother or stepfather at 9:00 p.m. to return home. *Id.* at 2 (reflecting that his mother works full time until 5:00 p.m., Monday through Friday).

In the criminal context, a sentencing court may impose special conditions of supervised release that "involve[ ] no greater deprivation of liberty than is reasonably necessary to implement the statutory purposes of sentencing." *United States v. Myers*, 426 F.3d 117, 123 (2d Cir. 2005); *United States v. Sofsky*, 287 F.3d 122, 126 (2d Cir.2002)). Additionally, the sentencing court has discretion to modify conditions and "must simply provide some indication of the rationale for the ruling[.]" *United States v. Brooks*, 98 F.4th 417, 419 (2d Cir. 2024). L.G.M. was released from civil immigration detention and, as opposed to sentencing guidelines, the only permissible considerations are "risk of flight" and "dangerousness." *Velasco Lopez v. Decker*, 978 F.3d 842, 853–54 (2d Cir. 2020). This request for modification ensures that the conditions of his release continue to mitigate against any flight risk or danger and "involve no greater deprivation of liberty than is reasonably necessary" to implement the purpose of the bond conditions. *Myers*, 426 F.3d at 123, *see also*, *Velasco Lopez*,

978 F.3d at 851 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) ("We have always been careful not to minimize the importance and fundamental nature of the individual's right to liberty."))

This request for modification is reasonable and narrowly tailored because it entails specific days and times for exceptions to home confinement, involves therapeutic, family and educational purposes, and L.G.M.'s location will continue to be easily monitored and tracked by Respondents. All other provisions of the bond conditions would remain in place.

For the foregoing reasons, L.G.M. respectfully request a modification of conditions of release, ECF 69, as follows:

> 2. Exceptions to Home Confinement: Petitioner shall be allowed to leave his home confinement only to:
>
> > (a) attend court appearances, ICE/ISAP appointments, and medical appointments that cannot be done remotely. For such exceptions, Petitioner shall provide ICE with at least 24 hours' notice. Where Petitioner must leave his home for a medical emergency, he must provide ICE notice as soon as is practicable;
> >
> > (b) attend a weekly, one hour, in-person psychotherapy appointment at Hispanic Counseling Center on Mondays at 10am. If the provider seeks to change the day of the week or the hour of the appointment, Petitioner shall provide ICE with at least 24 hours' notice; and
> >
> > (c) accompany his mother for household errands on Saturday mornings from 10am – noon.

Petitioner thanks the Court for its consideration of this request.

Respectfully Submitted,

FOR THE PETITIONER,

__/s/_____

Elyssa N. Williams (she/her)
Immigration Law Unit
The Legal Aid Society
49 Thomas Street, 5th Floor
New York, New York 10013
ewilliams@legal-aid.org
T: 646-983-9822

Cc: Richard Hayes