U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

April 20, 2026

Via ECF
Honorable Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas St.
White Plains, NY 10601-4150

Re: *E.J.C.C. v. Joyce, et al.*, 25 Civ. 8805 (CS)

Dear Judge Seibel:

This Office represents the Respondents in this habeas action brought by petitioner E.J.C.C. ("Petitioner"). On November 25, 2025, the Court granted the parties' joint request to stay this action pending implementation of the preliminary injunction in *A.C.R. v. Noem*, 25 Civ. 3962 (EK) (TAM). *See* ECF No. 66. Respondents and Petitioner write jointly to provide an update to the Court. *See* ECF Nos. 66, 84.

On April 16, 2026, USCIS sent Petitioner a notice granting him Deferred Action, meaning that he has lower priority of removal from the United States for four years and he is eligible to apply for employment authorization. It is Respondents' position that this case is now moot. *See Tann v. Bennett*, 807 F.3d 51, 52 (2d Cir. 2016) ("A case is moot when the issues presented are no longer live or the parties lack a legally cognizable interested in the outcome." (citations and quotation marks omitted)); *Li v. Napolitano*, No. 08 Civ. 7353 (JGK), 2009 WL 2358621, at *3 (S.D.N.Y. July 30, 2009) ("In the immigration and naturalization context, courts have dismissed cases as moot where the executive agency to which the plaintiff has applied grants the relief in the complaint prior to the court's adjudication.").

Petitioner's counsel received a courtesy copy of the notice mailed to Petitioner on the afternoon of April 20, 2026 while Petitioner himself had not yet received a copy of the notice as of Friday, April 17, 2026. Accordingly, Petitioner requests additional time to allow for conferral with his counsel and to explore resolution of the case. Petitioner proposes updating the Court on May 29, 2026. Respondents do not oppose Petitioner's proposal to carry the matter over for a further update.

We thank the Court for its consideration of this letter.

Respectfully submitted,

JAY CLAYTON
United States Attorney for the
Southern District of New York

By: */s/ Rachel Kroll*
RACHEL KROLL
Assistant United States Attorney
86 Chambers Street, Third Floor
New York, New York 10007
Tel.: (212) 637-2765
E-mail: rachel.kroll@usdoj.gov
Attorney for Respondents

cc: Counsel of Record (via ECF)