U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

December 11, 2025

BY ECF
Honorable Nina R. Morrison
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Y.G.B. v. Almodovar, et al.*, No. 25-cv-6244 (Morrison, J.)

Dear Judge Morrison:

This Office represents Respondents United States Immigration and Customs Enforcement ("ICE") Enforcement and Removal Operations New York City Acting Field Office Director Judith Almodovar, ICE Acting Director Todd Lyons, United States Secretary of Homeland Security Kristi Noem, United States Attorney General Pamela Bondi, and United States Department of Justice Executive Office for Immigration Review (collectively, "Respondents") in the above-referenced action. On December 3, 2025, Petitioner filed a Motion for Enforcement and Modification of Court Order. *See* ECF No. 24. In that motion, Petitioner "request[ed] that the Court grant emergency relief by modifying the Court's November 25, 2025 Order to include provisions (i) requiring Respondents to remove any form of electronic monitoring, including GPS tracking or curfew restrictions, on Petitioner, (ii) allowing Petitioner to travel freely throughout the United States without geographic restrictions, and (iii) prohibiting Respondents and ICE persona from subjecting Petitioner to home visits." *Id.* at 18.

Respondents write jointly with Petitioner pursuant to the Court's December 4, 2025 Order, which directed the parties to file a letter "indicating whether . . . Respondents are willing to remove some or all of the restrictions and conditions ICE has placed on Petitioner since his release from detention set forth at pages 17-18 of Petitioner's memorandum of law that are the subject of the present motion, or if the parties have otherwise negotiated a resolution of this matter absent Court intervention." *See* Dec. 4, 2025 Order.

Since that time, Respondents have offered to remove certain conditions ICE has imposed since Petitioner's release. The parties have conferred in a good-faith effort to resolve the issues raised in Petitioner's motion, and in response to Petitioner's demands, ICE has offered to modify the following conditions:

First, ICE has offered to eliminate the in-home visitation requirement to avoid interference with the operation of a daycare at Petitioner's home. ICE further advised that if the daycare license

is revoked, or if the residence ceases to be utilized as a daycare, home visits will be reinstituted. Petitioner states that he will agree to this proposal.

Second, ICE has offered to reduce Petitioner's travel notification requirement for work-related travel to areas more than 75 miles outside of New York City to one-day advance notice. ICE has further advised Petitioner that, if Petitioner accepts these terms, in the event of exigent circumstances or emergencies in which such notification is impractical, Petitioner may notify ICE after travelling, at his earliest opportunity, that the travel occurred and the reason he was unable to provide advance notice. Petitioner has indicated that this issue is one where the parties could potentially reach a resolution through continued dialogue.

Third, as to Petitioner's request that ICE remove his GPS ankle monitor, although ICE has not yet agreed to that modification of his release conditions, ICE is willing to continue to engage with Petitioner in an effort to resolve the remaining outstanding issues without the need for Court intervention.

Petitioner respectfully submits that Respondents have provided no explanation as to what, if anything, might change to enable ICE to consent to removal of the GPS monitor—the very issue at the heart of Petitioner's pending motion before this Court. While ICE requested, and Petitioner promptly supplied, specific documents to facilitate its review of the first and second points noted above, Respondents have offered no indication whatsoever of what additional information or circumstances necessitate further delay regarding the GPS monitor. In short, ICE's position as to what may change remains opaque, and its request for additional time appears unsupported by any articulated need.[1]

Additionally, and on an independent track, on December 3, 2025, Petitioner filed an administrative application in immigration court under 8 C.F.R. § 1236.1(d)(1) for amelioration of his release conditions.[2] On December 10, 2025, ICE filed a motion in immigration court seeking to expedite consideration of Petitioner's motion to ameliorate. The immigration judge has not yet issued a decision on Petitioner's motion. That administrative recourse is still pending.

Respondents' Request: In light of this progress, Petitioner's pending amelioration application before an immigration judge (consideration of which ICE has moved to expedite), and ICE's willingness to engage in further discussions regarding Petitioner's GPS monitoring, Respondents respectfully propose filing a further status report by December 22, 2025. Respondents further respectfully request that their deadline of December 15, 2025 at 10:00 a.m. to respond to Plaintiff's motion for emergency relief be adjourned pending a further status update, which may report that these issues have been resolved.

Petitioner's Position: Petitioner respectfully opposes Respondents' request for an extension to respond to Petitioner's motion for emergency relief. Respondents have not shown

[1] Notwithstanding Petitioner's concerns about ICE's consideration of this request, Respondents' position that continued dialogue among this Office, ICE, and Petitioner could lead to a non-judicial resolution of this issue.

[2] As set forth in Respondents' December 2, 2025 letter (ECF No. 23), it is Respondents' position the proper forum for the relief Petitioner seeks is administrative, whether with ICE directly or via the pending amelioration application in immigration court.

good cause for such an extension, and any further delay would exacerbate the very harm the motion seeks to prevent. The relief requested is time-sensitive and addresses ongoing constitutional violations for Petitioner. Each additional day Petitioner remains subject to these conditions compounds the harm to his liberty interests. Courts routinely deny extensions where delay would prejudice a party's fundamental rights, and that principle applies with full force here.

Respondents have offered no explanation of what they intend to accomplish between now and the proposed December 22, 2025 status report—particularly regarding negotiations or consideration of removing the GPS ankle monitor. This device imposes severe and continuous restraints because Petitioner remains in ICE custody 24/7, even if not physically confined in a detention center. The ongoing requirement to wear an ankle monitor subjects Petitioner to restrictions not faced by the general public and undermines the Court's prior order contemplating release. The law is clear that physical incarceration is not required for a petitioner to be considered "in custody." *Khabazha v. United States Immigration Customs Enforcement*, No. [25-CV-5279 (JMF)], 2025 WL 3281514, at *3 (S.D.N.Y. Nov. 25, 2025) ("The relevant test is whether the petitioner 'is subject to restraints not shared by the public generally.'")

Respondents have already had ample time to consider Petitioner's request. The motion was filed on December 3, and Respondents have been aware of Petitioner's objections to GPS monitoring since November 26—the day the monitor was placed on him. Their failure to articulate any plan or justification for continued GPS monitoring underscores that further delay is unjustified.

Finally, granting an extension would effectively moot the purpose of emergency relief. The Court's intervention is sought precisely because administrative remedies and discussions have proven inadequate and slow-moving. Since November 6, 2025, Petitioner has been unable to live freely without ICE monitoring and restrictions. Allowing Respondents additional time without requiring substantive progress would undermine the Court's authority and perpetuate unconstitutional conditions.

The parties thank the Court for its time and consideration in this matter.

Respectfully submitted,

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