December 5, 2025

The Honorable Joan M. Azrack
United States District Judge
Esatern District of New York
Theodore Roosevelt Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201
Via ECF

Re*: Padilla Molina v. Deleon*, 2:25-cv-06526-JMA

Dear Judge Azrack:

Petitioner submits this letter in reply to Respondents' letter dated Dec. 4, 2025 (ECF No. 12), opposing his motion for preliminary relief under Rule 65(b) and interim release pending the adjudication of his habeas based on his conditions of confinement. (ECF No. 9) As set forth in his motion and now confirmed by Respondents' submission, Petitioner was held in a temporary holding cell at Central Islip from Nov. 23 to 25 and again from Nov. 29 to Dec. 3, 2025. In the interim, he was held also in a short-term holding facility in Nassau County. *See* Austin Decl. at 4 (ECF No. 9-3).

Although Petitioner has now been moved to MDC Brooklyn, he continues to suffer the consequences of the patently unlawful conditions he endured for ten days after he was first detained. During that time, in addition to being unable to bathe; brush his teeth; or communicate with his family, he had no means to change his contact lenses because his repeated requests for contact solution were ignored—and the contact case and solution his partner brought to the Central Islip facility for him were never given to him. Austin Supp. Decl. at ¶ 5; *see also* Uceda Garcia Decl. (ECF No. 9-2) at ¶ 6 (describing her attempt to visit). Without the ability to reuse his contacts, Petitioner was concerned that removing his contacts would render him unable to see indefinitely and so kept them in for ten days. Although he can now access contact solution at MDC, his vision in his left eye has become completely blurry, even when not wearing contacts. Austin Supp. Decl. at ¶ 3-4. He cannot see or read using that eye and is fearful of permanent vision loss. He has yet to receive any medical treatment despite requesting it. *Id.* at ¶ 6.

He also has still not been assigned a pin at MDC Brooklyn, two days after arriving, which renders him unable to make calls. He has observed others who arrived after him receive pins. *Id.* at ¶ 7.

These circumstances demonsrate the continued need for urgent injunctive relief under Rule 65(b). Indeed, irreparable harm is "the single most important prerequisite for the issuance" of emergency injunctive relief. *Rodriguez v. DeBuono*, 175 F.3d 227, 233–34 (2d Cir. 1998). That requirement is plainly met where, as here, deteriorating circumstances place an individual's health at imminent risk. *See Graham v. Decker,* No. 20-cv-2423, 2020 WL 1847568, at *7 (S.D.N.Y. Apr. 13, 2020) ("iminent risk to life, health or safety is also an irreparable harm").[1]

The same is true when these circumstances are viewed through the lens of interim relief under *Mapp v. Reno*, 241 F.3d 221 (2d. Cir. 2001). Serious medical needs are a quintessential basis for release under *Mapp*. *See Vasquez Salgado v. Francis,* No. 25-CV-6524 (VEC), 2025 WL 2806757, at *6 (S.D.N.Y. Oct. 1, 2025) ("When it is reasonable to conclude that detention would worsen a petitioner's health, extraordinary circumstances are present.") (citing *S.N.C. v. Sessions*, No. 18 Civ. 7680 (LGS), 2018 WL 6175902, at *6 (S.D.N.Y. Nov. 26, 2018)); *Kiadii v. Decker*, 423 F. Supp. 3d 18, 21 (S.D.N.Y. 2018) (ordering release under *Mapp* and noting "Petitioner has presented evidence that her health has detoriorated while in ICE's custody"); *D'Alessandro v. Mukasey*, No. 08-CV-914 (RJA) (VEB), 2009 WL 799957, at *3 (W.D.N.Y. Mar. 25, 2009) (finding extraordinary circumstances when petitioner had "a number of serious, potentially debilitating health problems").

Petitioner's continued loss of vision, which is a direct consequence of the inhumane conditions in which he was held, and his need for urgent medical treatment are extraordinary circumstances meriting his interim release. *See* Memo. in Support of Release (ECF No. 9-11) at 11-12. Moreover, his detention in those unlawful conditions remains extraordinary, even if he has now belatedly been transferred elsewhere. *See* Oral Decision, *Barco Mercado v. Francis et al.,* 1:25-cv-6582 at *27 (S.D.N.Y. Oct. 9, 2025) (ECF 26) (granting interim release and noting the illegality of petitioner's initial detention at 26 Federal Plaza as a relevant factor).

Finally, Petitioner's continued lack of call access, *see* Austin Supp. Decl. at ¶ 7, is highly concerning, particularly on the heels of 10 days of near-complete isolation.

We thank the Court for its time and consideration of this matter.

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[1] Petitioner continues to have the better argument of the merits in this case. Respondents' recent notice of supplemental authority, filed at ECF No. 14, does not change that calculus. While they noted that two recent district court judges issued decisions concerning the applicability of 8 U.S.C. 1225(b)(2) that support Respondents' expansive and unprecedented interpretation of their detention authority, neither decision should change the outcome here, given the overwhelming weight of authority that continues to reject Respondents' view of Section 1225(b)(2). *See* Appendix A, *Barco Mercado v. Francis*, No. 25-CV-6582 (LAK), 2025 WL 3295903, at *13 (S.D.N.Y. Nov. 26, 2025) (collecting cases).

Respectfully,

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