U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

April 21, 2026

By ECF
Honorable Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *R.A.R.R. v. Almodovar, et al.*
Civil Action No. 25-cv-6597 (Chen, J.)

Dear Judge Chen:

Respondents respectfully submit this supplemental letter in response to the Court's Order dated April 7, 2026, which directed Respondents to "file a further status report or submit any opposition they may have to Petitioner's application [for fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A) ("EAJA")] no later than April 20, 2026 at 6:00 p.m." *See* Order, Apr. 7, 2026 Minute Entry. As an initial matter, because of an oversight in the aftermath of a family matter, the undersigned neglected to submit a filing as of yesterday's deadline set by the Court. The undersigned sincerely apologizes for any inconvenience that this oversight may have caused the Court or Petitioner.

In a prior status report dated April 6, 2026, this Office represented that, because of the current lapse in appropriations for the Department of Homeland Security, U.S. Immigration and Customs Enforcement ("ICE") is unable to process EAJA fee requests. *See* ECF No. 21. Since that time, this Office has been informed by the U.S. Immigration and Customs Enforcement ("ICE") that it is now possible to pay an EAJA award using funds under the One Big Beautiful Bill Act ("OBBBA"), Pub. L. No. 119-21, 139 Stat. 72 (2025), provided that the underlying litigation is detention-related and that the award is ordered by the Court.

Respondents sought prior extensions of the deadline to respond to Petitioner's EAJA fee application because the guidance described above was not in place. Now that such guidance has issued, Respondents are prepared to submit their response to Petitioner's application by April 27, 2026. Respondents have conferred with Petitioner, and Petitioner consents to the filing of Respondents' opposition by this date.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney

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cc: Counsel for Petitioner (by ECF)