U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, NY 11201

January 15, 2026

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

Re: *E.R.D. v. Secretary of Homeland Security Kristi Noem, et al.*, No. 26-cv-85 (NRM)

Dear Judge Morrison:

This Office represents Respondents in this habeas action filed January 7, 2026. Petitioner's habeas action alleges that his 2024 Order of Supervision (OSUP) was revoked earlier this month and he had been detained. On January 9, 2026, Respondents respectfully informed the Court that Petitioner had been released by Immigration and Customs Enforcement and that the habeas action was moot, and sought to file a status report by January 15, 2025 while Petitioner considered whether to dismiss the action. ECF 4. The Court directed the parties to file that status report.

The parties now respectfully advise the Court that the parties are continuing to discuss whether any resolution may be possible. The parties disagree as to whether the action is moot. Respondents' position is that the Petition is moot, as he is released and will be placed on an OSUP. Petitioner maintains the action it not moot, particularly where Respondents do not disclaim the intent to redetain Petitioner and/or impose additional restrictions on his liberty.

Given that the parties are continuing to discuss this issue, however, including what effect, if any, reinstated or amended conditions of supervision have on the Petition, the parties jointly respectfully propose filing a further status report on January 27, 2026, in the event that they cannot reach agreement sooner.

Thank you for the Court's time and attention to this submission.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney

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