U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

January 28, 2026

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

Re: *Merlo Puerto v. Leeper, et al.*,
Civ. No. 26-cv-405 (Morrison, J.)

Dear Judge Morrison:

This Office represents Respondents in the above-referenced habeas action. Respondents write in accordance with Your Honor's Order dated January 27, 2026, which, in relevant part: (1) directed Respondents to release Petitioner no later than January 28, 2026 at 10:00 a.m.; (2) directed counsel for Respondents to "keep Petitioner's counsel informed regarding the timing, location, and manner of Petitioner's release from custody"; and (3) directed Respondents file a letter regarding their compliance with the Order by January 28, 2026 at 1:00 p.m.

This Office has been advised by the U.S. Immigration and Customs Enforcement ("ICE") that Petitioner was released this morning. Respondents' counsel promptly alerted ICE as to the Order, which was entered on the docket at approximately 6:35 p.m. While the order was also relayed internally by ICE, due to the late hour and a possible internal miscommunication, the facility where the Petitioner was being detained at the time the Order issued, Delaney Hall Detention Facility located in Newark, New Jersey (the facility at which Petitioner was detained at the time the Order issued), did not commence out-processing procedures until after 8:00 a.m. today. This, unfortunately, led to a delay in Petitioner's release of shortly under an hour: ICE advises that Petitioner was released at 10:55 a.m. Respondents' counsel kept Petitioner's counsel apprised of the location from which Petitioner would be released, of out-processing delays at Delaney Hall, and Petitioner's projected release time, during multiple telephone calls this morning. Respondents sincerely apologize for this delay in release to 10:55 am, which was occasioned by the facility's procedures to ensure an orderly release from custody once it began out-processing this morning.

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

Respectfully submitted,

JOSEPH NOCELLA, JR.
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Attorney for Respondents

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cc: **By ECF**
(All Counsel of Record)