U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

February 16, 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.*
Civil Action No. 26-cv-405 (Morrison, J.)

Dear Judge Morrison:

This Office represents Respondents U.S. Attorney General Pamela Bondi, U.S. Department of Homeland Security ("DHS") Secretary Kristi Noem, Acting U.S. Immigration and Customs Enforcement ("ICE") Director Todd M. Lyons, and Acting ICE New York Field Office Director Judith Almodovar (collectively, the "Federal Respondents") in the above referenced action. The Federal Respondents respectfully submit this response pursuant to the Court's Order dated February 10, 2026 (the "February 10 Order"). As set forth below, that the parties have resolved the issues mentioned in that Order.

By way of background, in accordance with the Court's Order dated January 27, 2026 (the "January 27 Order") Petitioner was released from ICE custody on January 28, 2026. *See* ECF No. 9. On February 10, 2026, Petitioner filed a motion (the "February 10 Motion") to enforce the January 27 Order after Petitioner was released with "a GPS monitoring device attached to Petitioner's ankle." ECF No. 10, ¶ 3. Accordingly, Petitioner requested an order directing Respondents "to remove the GPS monitoring device from Petitioner's person immediately." ECF No. 10, ¶ 5. That same day, the Court issued the February 10 Order, which directed Respondents to respond by Monday, February 16, 2026 at 5:00 p.m., and also further directed Respondents to "confer with counsel for Petitioner and determine if the parties are able to resolve the issues raised in the [February 10 M]otion without the need for contested litigation before the Court."

In accordance with the February 10 Order, the undersigned conferred with counsel for Petitioner. The parties have resolved the issues raised in the February 10 Motion and have thereby obviated the need for additional litigation. This Office has been informed by ICE that ICE removed the GPS monitoring from Petitioner's person on February 12, 2026. On February 13, 2026, Petitioner's counsel confirmed with Petitioner that the GPS monitoring device had been removed. That same day, Petitioner's counsel filed a motion to withdraw (the "Withdrawal Motion") the February 10 Motion. *See* ECF No. 11. As of the filing of this submission, the Court has not acted on the Withdrawal Motion.

Accordingly, as the parties have been able to resolve the underlying dispute amongst themselves and the GPS monitoring device has been removed, the Federal Respondents respectfully submit that, by the terms of the February 10 Order, there is no "need for contested litigation" and the underlying dispute is now moot.

The Federal Respondents thank the Court for its consideration of this submission.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney
Counsel for Federal Respondents

By: */s/ David A. Cooper*
DAVID A. COOPER
Assistant U.S. Attorney
(718) 254-6228
david.cooper4@usdoj.gov

cc: **By ECF**
Counsel of Record