U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

April 1, 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 respectfully submits this status report regarding Respondents' response to the Petitioner's request for payment of fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A) ("EAJA"). It is this Office's understanding that, due to the current lapse in appropriations for the Department of Homeland Security, U.S. Immigration and Customs Enforcement ("ICE") continues to be unable to process EAJA fee requests. To be clear, neither this Office nor the Respondents are taking the position that ICE will not, when funding authority exists, pay an award of fees, whether as a result of settlement or otherwise. It is only the Respondents' representation that ICE cannot do so at this time, as of the filing of this report.

For this reason, the Respondents ask for leave to submit a further status report to the Court by April 15, 2026 and for an extension of time to resolve this matter by agreement of the parties or to submit any opposition they may have to Petitioner's application.

Respectfully submitted,

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