**U.S. Department of Justice**

*United States Attorney*
*Eastern District of New York*

*271 Cadman Plaza East*
*Brooklyn, New York 11201*

July 7, 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: *Renato Merlo Puerto v. Bill Leeper, et al.*
Civil Action No. 26-cv-405 (Morrison, J.)

Dear Judge Morrison:

This Office represents Respondents Acting U.S. Attorney General Todd Blanche, U.S. Department of Homeland Security ("DHS") Secretary Markwayne Mullin, 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. Respondents respectfully submit this response in accordance with the Court's Order dated July 6, 2026. As explained in more detail below, the U.S. Immigration and Customs Enforcement ("ICE") is expected to process Petitioner's award for fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), for payment shortly.

By way of background, on January 22, 2026, Petitioner Renato Merlo Puerto commenced this action by filing the Petition, which sought issuance of a writ of habeas corpus directing Respondents to immediately release Petitioner from custody. See Pet., ECF No. 1. The Court ordered Petitioner's release on January 27, 2026. On February 15, 2026, Petitioner filed a motion for EAJA fees; the Federal Respondents opposed the motion, and the motion was fully briefed on April 15, 2026. *See* ECF Nos. 12-19. On June 4, 2026, the Court granted Petitioner's award for EAJA fees in full. *See* ECF No. 20. On July 5, 2026, Petitioner filed a motion to enforce, which sought "an Order from the Court providing Respondents until the end of this week to make the EAJA payment." ECF No. 21, ¶ 4. The Court then directed Respondents "to file a response to the motion by July 7, 2026." Order, July 6, 2026.

This Office was recently informed by ICE that Petitioner's EAJA award is expected to be processed for payment shortly, and that payment will require approximately five to eight business days to finalize after processing.

Accordingly, the Federal Respondents respectfully request that they be permitted to submit a status report on payment by July 14, 2026 regarding the status of payment.

Respectfully submitted,

JOSEPH NOCELLA, JR.
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