U.S. Department of Justice

United States Attorney
Eastern District of New York

271-A Cadman Plaza East
Brooklyn, New York 11201

February 3, 2026

By ECF

Honorable Hector Gonzalez
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *F.H.H. v. Genalo et al.*, Civil Action No. 26-525 (HG)

Dear Judge Gonzalez:

This Office represents Respondents in the above referenced habeas action. On January 30, 2026, the Court issued an Order to Show Cause (the "Order") that, in relevant part, ordered that Petitioner not to be moved outside the Eastern District of New York. Respondents respectfully write to request an amendment *nunc pro tunc* of the Order to permit detaining Petitioner not only in the Eastern District of New York, but also within the Southern District of New York.

Petitioner commenced this action on January 29, 2025. On that date, Immigration and Customs Enforcement ("ICE") arrested Petitioner in Mineola, detained him initially at Federal Plaza in Central Islip, and then at the Nassau County Correctional Center ("NCCC"). Declaration of Assistant Field Office Director Carla Calidondo ("Decl.") ¶¶10-11. On January 30, 2026, the Court issued the Order that, in relevant part, directed that Petitioner not be moved outside this District.

However, NCCC can hold detainees for a period of no more than 72 hours. *Id.* ¶ 12. Therefore, on February 1, 2026, ICE transferred Petitioner to the ICE Temporary Hold Room at 26 Federal Plaza in Manhattan. *Id.* ¶ 13. Due to an oversight, ICE Enforcement and Removal Operations mistakenly believed that this Court's Order prohibited transferring Petitioner outside the Southern District of New York, rather than District. *Id.* ¶ 14. ICE apologizes to the Court for inadvertently not complying with the Order. *Id.* ¶ 17. Petitioner is currently detained in the Orange County Jail, in the Southern District of New York. *Id.* ¶ 16.

ICE is presently unable to detain Petitioner in this District. ICE has only one long- term detention facility in this District, the Metropolitan Detention Center, and ICE cannot detain Petitioner there, due to his extensive criminal history. *Id.* ¶ 16; *see also Id.* ¶¶ 4-6. 8-9.

Because ICE has no facility in this District in which Petitioner can now be detained, Respondents respectfully requests that the Court amend its January 30, 2026 Order to permit ICE to detain Petitioner in the Southern District of New York, in addition to this District. Such an amendment would in no way affect the Court's habeas jurisdiction over this action, as Petitioner

was detained in this District at the time this action was filed. *See Ozturk v. Hyde*, 136 F. 4th 382, 390-91 (2d Cir. 2025).

Thank you for Your Honor's consideration of this submission.

Respectfully submitted,

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