U.S. Department of Justice

United States Attorney
Eastern District of New York

271-A Cadman Plaza East
Brooklyn, New York 11201

February 10, 2026

By ECF

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

Re: *Martinez de la Cruz v. Russo et al.*, Civil Action No. 26-629 (HG)

Dear Judge Gonzalez:

This Office represents Respondents Director Francis Russo in his official capacity as Director of Field Operations for U.S. Customs and Border Protection, New York Field Office; Judith Almodovar, in her official capacity as Acting Field Office Director, New York City Field office, U.S. Immigration and Customs Enforcement ("ICE"); Kristi Noem, in her official capacity as Secretary, U.S. Department of Homeland Security; and Pamela Bondi, in her capacity as United States Attorney General (collectively, "Respondents"). After conferring with counsel for Petitioner Jose Martinez de la Cruz, Respondents respectfully submit this joint status report in accordance with Your Honor's Order dated February 5, 2026.

STATEMENT OF PETITIONER

Petitioner maintains that his detention is unlawful for the reasons described in his habeas petition. Petitioner does not believe ICE can provide adequate medical care, regardless of detention facility. Petitioner respectfully opposes any transfer outside this district because his long-time immigration counsel and social worker are in New York, his immigration proceedings have been pending in New York since 2014, and his medical providers are in the New York area. Accordingly, Petitioner continues to seek release.

STATEMENT OF RESPONDENTS

Respondents submit that Petitioner should be detained during the pendency of his ongoing removal proceedings. Indeed, that detention is mandatory pursuant to 8 U.S.C. section 1226(c)(1)(A) due to his criminal history. Immigration and Customs Enforcement ("ICE") is aware of, and takes very seriously, the concerns about Petitioner's medical condition. ICE has therefore arranged to have Petitioner detained at the Krome North Service Processing Center in Miami, Florida ("Krome"), where he will receive appropriate medical care and – especially relevant to his dementia – be subject to supervision. ICE is cognizant that transferring Petitioner to Krome is dependent on Your Honor modifying the Order dated February 5, 2026, to the extent it prohibits Respondents from transferring Petitioner outside this District and the Southern District of New York. Respondents intend to seek a modification of that Order. If Petitioner were

transferred, ICE would move for an Immigration Court order transferring his removal proceedings to Florida.

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

Respectfully submitted,

JOSEPH NOCELLA
United States Attorney
Attorney for Respondents

By: /s/ Elliot M. Schachner

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cc: Counsel of Record (by ECF)