THE BRONX
DEFENDERS

March 18, 2026

By ECF

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

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

Dear Judge Gonzalez:

We represent the Petitioner, Mr. Jose Martinez de la Cruz, in the above-referenced habeas corpus matter. Pursuant to this Court's March 4, 2026, order, we write to provide a status update on behalf of the parties. After conferring with counsel for Respondents, the parties (1) report that they are still discussing whether there are any additional issues to be resolved in this action; and (2) respectfully propose that the Court direct them to, by April 8, 2026, either file a stipulation resolving this action or another status report.

To keep the Court updated, undersigned counsel for Petitioner provides a summary of the circumstances of Mr. Martinez de la Cruz's release and his current location:

On Friday, February 27, 2026, Immigration and Customs Enforcement ("ICE") released Mr. Martinez de la Cruz from 26 Federal Plaza in Manhattan, where he had been detained since February 4, 2026. An ICE officer called undersigned counsel, Anne Mathews, around 8:45 PM that evening. The officer told her Mr. Martinez de la Cruz had to be released that night. Undersigned counsel immediately went to 26 Federal Plaza to meet Mr. Martinez de la Cruz, who did not have a coat or the suitcase he had at the airport when detained. Undersigned counsel took Mr. Martinez de la Cruz to NYU Langone Hospital in Brooklyn, New York, where he was admitted at around 11 PM. Mr. Martinez de la Cruz remains at the hospital, receiving care for his severe dementia. He does not have an estimated discharge date.

Undersigned counsel, a Bronx Defenders social worker, and hospital social workers are working on identifying a long-term assisted living facility for Petitioner.

After releasing Mr. Martinez de la Cruz, ICE initially sought to re-detain him because, according to ICE, he had been erroneously released. On March 4, 2026, at approximately 3:20 PM, ICE NYC Field Office Deputy Director William P. Joyce left undersigned counsel a voicemail, telling her that Mr. Martinez de la Cruz had been mistakenly released and must surrender. Deputy Director Joyce emailed undersigned counsel at 5:06 PM that day repeating the same. Undersigned counsel emailed counsel for Respondents shortly thereafter, who acknowledged receipt and said they would get back to undersigned counsel. Yesterday, March 17, 2026, Deputy Joyce emailed undersigned counsel that it is ICE's "intention to release [Petitioner] on ATD [alternatives to detention (e.g., ankle monitor)], if he surrenders."

Counsel for Respondents provides their own summary of the circumstances of Petitioner's release and his current location:

On Friday, February 27, 2026, ICE released Petitioner from 26 Federal Plaza in Manhattan, where he had been detained since February 4, 2026. At the time of his release, pending before the Court was Respondents' February 18, 2026 motion requesting that the Court amend its February 5, 2026 Order to permit transfer of Petitioner to a detention facility that can accommodate his medical needs. ECF 8. ICE has advised this Office that it released Petitioner in error. On March 4, 2026, the parties advised the Court of this release. ECF 15.

On March 4, 2026, at approximately 3:20 pm, ICE NYC Field Office Deputy Director William P. Joyce left Petitioner's counsel a voicemail and also sent a follow up email at 5:06 pm that day and requested that counsel "discuss the terms of [Petitioner's] surrender with you, as soon as possible". On March 17, 2026, Deputy Director Joyce emailed Petitioner's counsel that it is ICE's "intention to release [Petitioner] on [alternatives to detention] if he surrenders."

ICE has authorized counsel for Respondents to represent to the Court that ICE will not rearrest Petitioner unless he fails to surrender himself for placement on an ankle monitor following his discharge from the hospital.

Accordingly, the parties respectfully ask the Court for more time—until April 8, 2026—to either file a stipulation resolving this action or another status report.

Thank you to the Court for its time and consideration of this letter.

Respectfully,

/s/ Anne Mathews
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CC: Counsel of record (via ECF)