THE BRONX
DEFENDERS

April 15, 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. We are submitting this letter unilaterally to provide a status update, in order to comply with the Court's April 13, 2026 order, because we were unable get final confirmation from Respondents' counsel by the 5pm deadline.

The parties have agreed in principle to the terms of a stipulated dismissal. Respondents have confirmed to Petitioner that ICE has no intention of re-detaining Petitioner or having him subject to any form of alternative to detention while he is, on a 24-hour, seven-day-a-week basis, in a hospital, nursing home, rehabilitation facility, or assisted living facility. Upon his release, ICE intends to have Petitioner enroll in an Alternative to Detention (ATD) through a Smartlink-compatible device. Petitioner and Respondent are working out the wording of the stipulated dismissal to allow for some agreed upon safeguards in light of Petitioner's dementia.

Petitioner's counsel reached out to Respondents' counsel within the hour of receiving this Court's order on Monday. On Tuesday afternoon, the parties conferred and agreed in principle to the terms of the agreement, but Respondents needed more time to confirm the wording of the agreement. On April 15, 2026, Petitioner's counsel contacted Respondents' counsel twice by email and also by phone to try to confirm their agreement to the terms of the draft stipulated dismissal. At 4:37 pm,

Respondents' counsel stated by email that Respondents hoped to have a response within the hour.

Petitioner has been diligently trying to finalize the terms of a stipulated dismissal and respectfully requests that the Court not dismiss the action and allow until tomorrow, April 16, 2026 at 5:00 pm for the parties to file their stipulated dismissal so that Respondents can finalize the proposed stipulated dismissal.

Respectfully,

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