U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

February 10, 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: *Neri Pliego v. Noem, et al.*
Civil Action No. 26-cv-719 (Morrison, J.)

Dear Judge Morrison:

This Office represents Respondents U.S. Attorney General Pamela Bondi, U.S. Department of Homeland Security ("DHS") Secretary Kristi Noem, Acting U.S. Immigrations and Customs Enforcement ("ICE") Director Todd M. Lyons, and ICE New York Field Office Director Kenneth Genalo, and Warden of the Metropolitan Detention Center, Brooklyn ("MDC Brooklyn") Raul Maldonado, Jr. (collectively, "Respondents") in the above referenced action. On February 9, 2026, the Court issued an Order which, among other things, directed Respondents to submit a letter by February 10, 2026 at noon indicating whether a conference is necessary in this matter, and requesting additional information. *See* Order, ECF No. 8, at 1-2 ("the February 9 Order"). As an initial matter, the government became aware of the Order and immediately notified ICE of the bar on transfer and removal, which were reflected on the docket entry. The government also noted the response deadline of February 12, 2026 at 5:00 p.m., as reflected in the docket entry, and made preparations to respond by that deadline. However, because of an oversight, this Office did not appreciate that there were additional provisions of the written Order that necessitated a response by noon today. *See* Feb. 10, 2026 Minute Entry. Accordingly, the undersigned was very recently assigned to this matter, and this Office sincerely apologizes for any inconvenience that this oversight may have caused the Court or Petitioner.

The February 9 Order, among other things, ordered that Respondents address: (1) Petitioner's A-Number, current place of detention, and a contact person who can facilitate counsel's access to Petitioner; (2) the statutory provision(s) under which Respondents assert the authority to detain Petitioner; (3) whether any basis exists to distinguish Petitioner's detention from Your Honor's decision in *Hyppolite v. Noem*, No. 25-cv-4304, --- F. Supp. 3d ---, 2025 WL 2829511 (E.D.N.Y. Oct. 6, 2025) (Morrison, J.); (4) a copy of any final order of removal for this Petitioner; and (5) information regarding the procedural posture of any pending DHS or Executive Office for Immigration Review ("EOIR") proceedings concerning this Petitioner. This Office became aware of this portion of the Order until the Court issued another Order directing a response by 5:00 p.m. today. The government again apologizes for not realizing that these provisions of the Order existed prior to the Court's issuance of today's Order.

Respondents respectfully submit that much of the information sought by the Court (originally scheduled for noon today and extended by the Court to 5:00 p.m.), is the substance of the return that Respondents intended to make on February 12, 2026. Respondents are still obtaining documents and information in order to make that return and concomitantly supply much of that information sought to the Court. However, at this time the government can provide the following information. This Office can confirm that Petitioner's A-Number is [redacted], that Petitioner is currently detained at MDC Brooklyn, and that the contact person for a person who can facilitate counsel's access to Petitioner is kerryn.a.irving@ice.dhs.gov.

As to the remaining information, the government respectfully requests the opportunity to submit this information in the response to be filed on February 12, 2026 at 5:00 p.m. This Office has not yet been able to reach Petitioner's counsel to obtain their position as to this request.

Respondents thank the Court for its consideration of this request.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney
Counsel for Respondents

By: */s/ David A. Cooper*
DAVID A. COOPER
Assistant U.S. Attorney
(718) 254-6228
david.cooper4@usdoj.gov

cc: **By ECF**
Counsel of Record