U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 24, 2026

By ECF
The Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Hernandez v. Francis*, No. 26-cv-1440 (GHW)

Dear Judge Woods:

This Office represents the government in the above-referenced immigration habeas corpus action, brought by petitioner Hector Nicolas Duran Hernandez ("Petitioner"), an alien challenging his detention by U.S. Immigration and Customs Enforcement ("ICE"). On February 20, 2026, the Court issued an order directing the government to file a letter responding to certain questions in two business days, i.e., by February 24. ECF No. 3. I write respectfully to provide that response.

a. whether Petitioner was, as the Petition alleges, *see* ECF No. 1 ¶ 10, located in the Southern District of New York at the time that the Petition was filed and, if not, what District Petitioner was in at the time of filing and whether the Petition should be immediately transferred to that District;

a. No, contrary to the Petition's allegation, Petitioner was not being held at 26 Federal Plaza, New York, New York when the Petition was filed. Pet. ¶ 10.
b. Because the habeas petition was submitted by a next friend to the Pro Se Intake Unit/Clerk's Office, this Office does not know what time the habeas petition was filed (the case was opened at 9:19 a.m. on February 20, but because this is a pro se matter, the petition would have been submitted to the court before that time). Thus, we respectfully request that the Court direct the Clerk to docket the time of filing (i.e., the time that the Pro Se Intake Office/Clerk's Office received the petition).[1] The proper venue would depend on the time that the petition was filed/received.
c. Here, in the morning of February 18, ICE arrested Petitioner in Levittown, New York. ICE transported Petitioner to the Nassau County ICE Intake Facility, located at 100 Carmen Avenue, East Meadow, New York, for processing. At about 1:35 p.m. that same day, he was booked into the Nassau County Correctional Center ("NCCC"). Petitioner was not transported to 26 Federal Plaza in Manhattan. The next day, on February 19, 2026, around 5:45 p.m., Petitioner was booked out of NCCC and then transferred to Delaney Hall Detention Facility in Newark, New Jersey, where he was booked in around 7:45 p.m.

[1] *See, e.g.*, *Torres v. Francis*, No. 25-cv-9573 (ALC), ECF No. 9, docketing time that the habeas petition was received by email.

b. Petitioner's A-number, current place of detention, and a contact person who can facilitate counsel's access to Petitioner;

a. Petitioner's A number is [redacted] Petitioner is currently detained at the Delaney Hall Detention Facility in Newark, New Jersey. Petitioner's counsel may request a video teleconference meeting or confidential legal phone call with Petitioner through Immigration and Custom Enforcement's Enforcement and Removal Operation's ("ERO") eFile Detention Facility Appointment Scheduler; by emailing 279attorneyvisit@geogroup.com; or through the assigned Deportation Officer, who can be identified by calling 862-445-9200. Should counsel have difficulty with these methods, they may contact Khristopher Dawson by email (Khristopher.Dawson@ice.dhs.gov) or telephone (646-938-5542) during normal business hours for assistance in arranging access to Petitioner.

c. the statutory provision(s) under which Respondents assert the authority to detain Petitioner;

a. Respondents assert that Petitioner is detained under 8 U.S.C. § 1225(b)(2)(A).

d. a copy of any final order of removal; and

a. Petitioner does not have a final removal order.

e. any information regarding the procedural posture of any pending Department of Homeland Security or Executive Office for Immigration Review proceedings.

a. Petitioner's initial master calendar hearing is scheduled for February 25, 2026.

* * *

I thank the Court for its consideration of this submission.

Respectfully submitted,

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Southern District of New York

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cc: Petitioner pro se (by mail)
Next Friend (by ECF)