U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 27, 2026

VIA ECF
The Honorable J. Paul Oetken
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *S.B.Q.V. v. Sanchez*, No. 26 Civ. 2276 (JPO)

Dear Judge Oetken:

This Office represents respondents Lorraine M. Sanchez, Chief Executive Officer, Cayuga Centers, in her official capacity as facility custodian; Angie Salazar, Director, Office of Refugee Settlement ("ORR"), U.S. Department of Health and Human Services, in her official capacity; and Robert F. Kennedy, Jr., Secretary, U.S. Department of Health and Human Services, in his official capacity (altogether, the "government") in the above referenced habeas action brought by S.B.Q.V. by his next friend and mother, Maria Blanca Vimos Rivera ("Petitioner"). The government writes in response to the Court's March 24, 2026, order directing the government to file a status letter by March 27, 2026, concerning the status of the DNA test results. ECF No. 9.

This Office received confirmation from ORR around 5:00 p.m. yesterday that it had received the DNA test results for all six children, to include Petitioner, his brother, and four cousins.[1] We understand that the results of the DNA test confirmed the biological relationship between S.B.Q.V. and Ms. Vimos Rivera. ORR subsequently took steps to approve and process the release of S.B.Q.V. to Ms. Vimos Rivera, which was finalized and occurred today. ORR informed this Office that S.B.Q.V. was picked up by Ms. Vimos Rivera by 3:00 p.m. today.

In light of ORR's approval of Ms. Vimos Rivera's sponsorship application, and S.B.Q.V.'s release from custody to her, the government respectfully submits that this action should be dismissed as moot. *See, e.g.*, *Coronel v. Decker*, No. 20 Civ. 2472 (AJN), 2023 WL 199192, at *5 (S.D.N.Y. Jan. 17, 2023) (dismissing habeas action as moot after petitioner had been released from ICE custody); *Berrezueta v. Decker*, No. 20 Civ. 10688 (MKV), 2021 WL 601649, at *2 (S.D.N.Y. Jan. 11, 2021) (same); *Doe v. Decker*, No. 18 Civ. 3573 (GBD) (KNF), 2019 WL 2513838, at *2 (S.D.N.Y. June 18, 2019) (same); *Sokolov v. Holder*, No. 13 Civ. 0947 (PAE), 2013 WL 12377011, at *2 (S.D.N.Y. Aug. 13, 2013) ("Courts in this Circuit have held that a petitioner's release from custody generally moots a habeas petition challenging that custody."). Petitioner's habeas action was brought pursuant to 28 U.S.C. § 2241. *See* ECF No. 1 at ¶ 1. Under 28 U.S.C. § 2241, the court "retain[s] jurisdiction so long as the petitioner is 'in custody.'"

[1] Before then, it was not clear whether such results had been received for just one of the other plaintiff children or all of them. It appears that at least some, if not all, results were received by ORR in the afternoon of March 25.

Pierrilus v. U.S. Immigr. & Customs Enf't, 293 F. App'x 78, 79 (2d Cir. 2008) (dismissing habeas petition where petitioner was no longer in DHS custody). Since S.B.Q.V. is no longer in the government's custody, the Court no longer has jurisdiction over his petition and his petition is moot.

Petitioner opposes the government's request to deny the petition as moot.

The government thanks the Court for its consideration of this submission.

Respectfully,

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