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VIA ECF

Chief Judge Elizabeth A. Wolford
United States District Court
Western District of New York
Kenneth B. Keating Federal Building
100 State Street Rochester, New York 14614

Re: Barillas Resinos v. Marich, et al. (Case No. 6:25-cv-06689-EAW)

Dear Chief Judge Wolford:

We are pro bono counsel to Jackson Daniel Barillas Resinos (“Jackson”), who was unlawfully detained by Immigration and Customs Enforcement (“ICE”) on November 5, 2025, and is currently confined at the South Texas ICE Processing Center in Pearsall, Texas. We are writing to request Your Honor’s assistance with scheduling Jackson’s bond hearing in a timely manner, in accordance with this Court’s November 26, 2025, Order stating that “[p]etitioner shall be granted a bond hearing before an immigration judge (“IJ”) on or before December 3, 2025.” ECF No. 6 ¶ 1. As of today, Jackson, an 18-year-old young man with Special Immigrant Juvenile Status and no criminal history, has been unlawfully detained for over six weeks.

At the time that Jackson’s habeas petition was filed, Jackson was detained in the Batavia Buffalo Detention Center. Despite this Court’s entry of the November 21, 2025, text order, which “temporarily enjoin[ed] [the Government] from transferring [Mr. Barillas-Resinos] outside [the Western] District [of New York] pending a resolution of the [habeas] petition,” he was transferred to the South Texas ICE Processing Center that same day.

After this Court issued its November 26, 2025 Order, the Department of Homeland Security submitted a copy of the order to the Pearsall Immigration Court on December 1, 2025. Thereafter, the bond hearing was scheduled for December 2, 2025, before Judge Robert R. McKee in the Pearsall Immigration Court. *See* ECF No. 7. Due to the holiday weekend, and difficulties communicating with Jackson following his transfer, counsel requested a continuance. We requested an additional two weeks because we had great difficulty reaching Jackson and setting up confidential communication after his transfer to the South Texas ICE Processing Center. We could not prepare his bond application without consulting with him.

At the December 2 hearing, Judge McKee granted our motion to continue the hearing until December 16, 2025, to allow sufficient time for Jackson and counsel to prepare. On December 16, 2025, counsel was notified that the hearing was postponed to December 17, 2025. We have since learned from ICE Assistant Chief Counsel Monica Garza and from the Pearsall Immigration Court clerk’s office that Judge McKee’s docket for today has also been

cancelled. *See* Mannix Decl. ¶ 4. As a result, Jackson’s bond hearing is now set for December 23, 2025, 48 days after ICE unlawfully detained him. *Id.*, Ex. 1.

Given that our client has been unlawfully detained in ICE custody for more than six weeks, we respectfully request that this Court order his immediate release on his own recognizance. We have requested the Government’s consent to this form of relief, and they declined. *Id.*, Ex. 2.

Alternatively, we request that this Court use its “inherent authority” to grant bail pending the adjudication of a habeas petition when the petition, as here, has raised (1) substantial claims and (2) extraordinary circumstances that (3) “make the grant of bail necessary to make the habeas remedy effective.” *See Mapp v. Reno*, 241 F.3d 221, 226 (2d Cir. 2001); *see also D’Alessandro v. Mukasey*, No. 08-CV-914(RJA)(VEB), 2009 WL 799957 at *1 (W.D.N.Y. Mar. 25, 2009) (granting petitioner’s application for bail pending final adjudication of his habeas petition pursuant to the principles articulated in *Mapp v. Reno*). We also requested the Government’s consent to this form of relief, and they declined. *See* Mannix Decl., Ex. 2.

Finally, if this Court is not inclined to grant either of the forms of relief set forth above, we request that this Court order the bond hearing be reassigned to another immigration judge in the Pearsall Immigration Court such that we may proceed with the bond hearing at the earliest possible opportunity – ideally no later than this Friday, December 19, 2025.

We greatly appreciate your careful attention to this matter.

Respectfully submitted,

/s/ Markiana J. Julceus

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