U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

December 11, 2025

VIA ECF

Honorable Nusrat J. Choudhury
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Hernandez Lazo v. Noem, et al.*, 25-cv-06639-NJC

Dear Judge Choudhury,

This Office represents Federal Defendants-Respondents Kristi Noem, Secretary, U.S. Department of Homeland Security; Pamela Bondi, Attorney General of the United States; Joseph B. Edlow, Director, U.S. Immigration and Customs Enforcement; and Carmen Nunez, Supervisor, Long Island, New York Field office, U.S. Department of Homeland Security (collectively the "Federal Respondents") in the above-referenced action brought by Plaintiff-Petitioner Felipe Hernandez Lazo ("Petitioner"). This letter is written on behalf of all parties to comply with Your Honor's December 10, 2025 Order and further scheduling Order of today directing Respondents to submit supplemental information and records by December 11, 2025 by 9:00 p.m. as follows:

> (A) In support of their Response to the Court's Order to Show Cause, Respondents submitted the declaration of Tony Petito ("Petito Decl.," ECF No. 13-1), which discusses several documents that have not been submitted to the Court. As a result, Respondents shall produce:
>
> (1) the Notice to Appear that is referenced in Petito Decl. para. 37;
> (2) Petitioner's Form I-130 and any documents approving the Form I-130 (see Petitio Decl. para. 36);
> (3) Petitioner's Form I-485;
> (4) any documents relating to the termination of Petitioner's TPS status on September 25, 2025 (see Petitio Decl. para. 35);
> (5) all documents associated with Petitioner's application for and receipt of advanced parole or any other form of parole into the United States (see Petitio Decl. paras. 19, 21, 23, 24, 26, 29, and 31); and
> (6) All records relating to any individualized custody determination relating to Petitioner made by a DHS officer prior to or contemporaneously with his arrest.

(B) In their Response, Respondents argue that "Petitioner's last entry was based on parole; therefore, he was inspected and does not meet [the class definition in Bautista]. See Petito Decl. at xx..." However, Respondents have not cited a specific paragraph in the Petito Declaration, there is no paragraph "xx" to the Petitio Declaration, and the Declaration does not state when Respondent was inspected. As a result, Respondent must clarify when Petitioner was last inspected and provide supporting documentation of that inspection. If an inspection other than Respondent's most recent inspection is relevant on this issue, Respondents shall similarly address any such inspection

(C) In their Response, Respondents make reference to the "process due under the TVPRA" and "UAC" status. Although these acronyms appear to potentially refer to the Trafficking Victims Protection Reauthorization Act and Unaccompanied Alien Children, Respondents fail to define these acronyms or demonstrate their relevance to the facts of this case. As a result, Respondents shall address why the TVPRA and UAC status are relevant.

In response to (A), please see Second Supplemental Declaration of Tony Petitio at ¶¶ 14-16, and exhibits to the Declaration (docket entry 18-1).

In response to (B), the citation should be Petito Decl. at 31.

In response to (C), any arguments or facts referencing the Trafficking Victims Protection Reauthorization Act ("TVPRVA") and Unaccompanied Alien Child (UAC) was unintentionally included from a prior draft and are withdrawn.

The parties respectfully thank the Court for its attention to this submission.

JOSEPH NOCELLA, JR.
United States Attorney

By: */s/ Arthur Swerdloff*
Arthur Swerdloff
Assistant U.S. Attorney
(718) 254-7584
arthur.swerdloff@usdoj.gov

Enclosure (Second Supplemental Declaration of Tony Petitio)

cc: Andrea Soto, Esq.