U.S. Department of Justice

United States Attorney
Eastern District of New York

610 Federal Plaza
Central Islip, New York 11722

February 9, 2026

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

Re: *Francisco Franco v. Lyons, et.al*
No. 26-cv-508 (Bulsara, J.)

Dear Judge Bulsara:

This Office represents Respondents in the above matter. This letter is respectfully submitted to advise the Court that Petitioner Francisco Franco ("Petitioner") was released from custody today, February 9, 2026 at approximately 2:50 p.m. Counsel for Petitioner has been notified.

Respondents respectfully submit that this action is now moot, as of the time Petitioner was released from ICE custody, because he has received the relief sought, i.e, his release from ICE custody. Leybinsky v. U.S. Immigr. & Customs Enf't, 553 F. App'x 108, 109 (2d Cir. 2014)(finding case was moot because "[o]ur analysis begins—and ends—with whether Leybinsky's petition is moot given his release from ICE custody on August 30, 2010. Under Article III of the U.S. Constitution, when a case becomes moot, the federal courts lack subject matter jurisdiction over the action.").

Respondents also respectfully request that the additional briefing due today, as well as the oral argument scheduled for February 12, 2026 before Your Honor, be canceled.

Respectfully submitted,
JOSEPH NOCELLA, JR.
United States Attorney

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cc: Counsel of record by ECF