**U.S. Department of Justice**

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*Southern District of New York*

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September 8, 2026

By ECF
Hon. Andrew L. Carter Jr.
United States District Judge
40 Foley Square
New York, New York 10007

**Re: *T.M.B.A. v. Kennedy et al.*, No. 26 Civ. 7604 (ALC)**

Dear Judge Carter,

This Office represents the government in the above-referenced habeas corpus action, in which the petitioner, an unaccompanied alien child ("UAC") challenges his custody by Office of Refugee Resettlement ("ORR"). *See* ECF No. 3. On Friday, September 4, the Court ordered the Government to respond to the Petition by September 9, 2026. ECF No. 8. I write respectfully to request a one-day extension of the government's time to respond to the petition, from September 9 to September 10. The request is being made for several reasons. First, given the Labor Day holiday, there was a delay in obtaining relevant administrative records and a limited opportunity to confer with agency counsel concerning the government's response. As a result, this Office is still obtaining the information needed from agency counsel for its response. Second, additional time is needed in light of other matters I have been working on, including an opposition in another habeas case due today, and preparation for an evidentiary hearing in another matter. Third, this Office was informed by ORR this afternoon that it completed adjudication of Petitioner's case for release, and the assigned care taker is currently working to obtain flight logistics to Minnesota (where the sponsor lives) to effectuate the release of Petitioner from ORR custody. Thus, aside from needing additional time to prepare the Government's response, it appears that this case may resolve without the need for further litigation.

When I contacted Petitioner's counsel earlier today, before learning that ORR had completed adjudication of Petitioner's case, Petitioner's counsel stated an opposition to this request, asserting that they need time to respond to the Government's answer, and cannot consent to a postponement of the hearing scheduled on Friday, September 11. But the Government seeks only one additional day to prepare its response. I reached out to Petitioner's counsel after learning of the update from ORR regarding the completed adjudication, but I did not receive a response from Petitioner's counsel this evening. This is the Government's first request for an extension of time to respond to the petition.

I thank the Court for its consideration of this request, and I apologize that this request is being made on the day before the current deadline.

Respectfully,

JAMES M. MCDONALD
United States Attorney

*/s/ Erica Silverman*

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cc: Counsel of Record (by ECF)