U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

September 9, 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, T.M.B.A., an unaccompanied alien child ("UAC") challenged his custody by Office of Refugee Resettlement ("ORR"). *See* ECF No. 3.

I write respectfully, and jointly with Petitioner, to inform the Court that on September 8, 2026, ORR completed its review of the sponsorship application of S.M.A.C., the mother of T.M.B.A., and issued a decision to release Petitoner to S.M.A.C. At 8:45 a.m. today, this Office received confirmation from ORR that T.M.B.A. was released from ORR custody. Petitioner departed New York on a flight at approximately 6:00 a.m., and arrived in Minnesota at approximately 9:00 a.m., where he was reunified with his mother, S.M.A.C.

In light of T.M.B.A.'s release from ORR custody to S.M.A.C., the government respectfully submits that this action is moot. Petitioner disagrees and requests an amended briefing schedule to address the issue of mootness. The parties conferred and agree on the following proposed briefing schedule: (i) the Government to file its position by Friday September 25, 2026; and (ii) Petitioner to file a reply by Tuesday, October 13, 2026.

We thank the Court for its consideration of this submission.

Respectfully,

JAMES M. MCDONALD
United States Attorney

/s/ Erica Silverman
BY: ERICA A. SILVERMAN
Assistant United States Attorney
Southern District of New York
86 Chambers Street, 3rd Floor
New York, New York 10007
(212) 637-2696
Erica.Silverman@usdoj.gov

cc: Counsel of Record (by ECF)