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**U.S. District Court  
Eastern District of New York (Central Islip)  
CIVIL DOCKET FOR CASE #: 2:26-cv-01122-SJB**

Benitez v. Genalo et al  
Assigned to: Judge Sanket J. Bulsara  
related Case: [2:26-cv-02082-SJB-JMW](#)  
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 02/26/2026  
Jury Demand: None  
Nature of Suit: 463 Habeas Corpus -  
Alien Detainee  
Jurisdiction: U.S. Government Defendant

**Petitioner**

**Rene Antonio Benitez**

represented by **Paige Austin**  
Make the Road New York  
301 Grove St.  
Brooklyn, NY 11237  
718-418-7690  
Email: [paige.austin@maketheroadny.org](mailto:paige.austin@maketheroadny.org)  
**ATTORNEY TO BE NOTICED**

**Harold A. Solis**  
Make the Road New York  
Legal  
301 Grove Street  
Brooklyn, NY 11237  
347-719-1603  
Email: [harold.solis@maketheroadny.org](mailto:harold.solis@maketheroadny.org)  
**ATTORNEY TO BE NOTICED**

V.

**Respondent**

**Kenneth Genalo**  
*in his official capacity as Field Office  
Director of New York, Immigration and  
Customs Enforcement*

represented by **Diane C. Leonardo**  
United States Attorneys Office  
610 Federal Plaza  
Central Islip, NY 11722  
631-715-7854  
Fax: 631-715-7920  
Email: [diane.beckmann@usdoj.gov](mailto:diane.beckmann@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Respondent**

**Kristi Noem**

represented by **Diane C. Leonardo**

*in her official capacity as Secretary of  
Homeland Security*

(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Respondent**

**Pam Bondi**  
*in her official capacity as Attorney  
General.*

represented by **Diane C. Leonardo**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

| <b>Date Filed</b> | <b>#</b>          | <b>Docket Text</b>   |
|-------------------|-------------------|--|
| 02/26/2026        | <a href="#">1</a> | PETITION for Writ of Habeas Corpus filing fee \$ 5, receipt number ANYEDC-19950475, filed by Rene Antonio Benitez. Was the Disclosure Statement on Civil Cover Sheet completed -No (Solis, Harold) Modified on 2/26/2026 (LJ). (Entered: 02/26/2026)   |
| 02/26/2026        | <a href="#">2</a> | Civil Cover Sheet.. by Rene Antonio Benitez (Solis, Harold) Modified on 2/26/2026 (LJ). (Entered: 02/26/2026)  |
| 02/26/2026        |                   | **Notice: <b>Re: Requires Newly Updated Civil Cover Sheet.</b><br><br>The Civil cover sheet has been updated effective 12/10/2025 and the Clerk's Office requires the updated version of the civil cover sheet when processing this case. The form is available at: <a href="https://www.nyed.uscourts.gov/sites/default/files/uploads/js44-45.pdf">https://www.nyed.uscourts.gov/sites/default/files/uploads/js44-45.pdf</a> . Please submit a new JS44 using the event Other Documents - Proposed Summons/Civil Cover Sheet. (LJ) (Entered: 02/26/2026)  |
| 02/26/2026        | <a href="#">3</a> | This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made. (LJ) (Entered: 02/26/2026)  |
| 02/26/2026        |                   | Case Assigned to Judge Sanket J. Bulsara. Please download and review the Individual Practices of the assigned Judges, located on our <a href="#">website</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (LJ) (Entered: 02/26/2026)   |
| 02/26/2026        |                   | A summons was not issued for one of the following reasons: <b>No summons provided, please submit summons. The event can be found under the event Other Documents - Proposed Summons/Civil Cover Sheet.</b><br><br>(LJ) (Entered: 02/26/2026)   |
| 02/26/2026        | <a href="#">4</a> | Civil Cover Sheet.. by Rene Antonio Benitez (Solis, Harold) (Entered: 02/26/2026)  |
| 02/26/2026        |                   | <b>ORDER: To preserve the Court's jurisdiction pending a ruling in this matter, Petitioner shall not be removed from the United States unless and until the Court orders otherwise.</b> <i>See, e.g., Loc. 1814, Int'l Longshoremen's Ass'n, AFL-CIO v. New York Shipping Ass'n, Inc.</i> , 965 F.2d 1224, 1237 (2d Cir. 1992) ("Once the district court acquires jurisdiction over the subject matter of, and the parties to, the litigation, the All Writs Act [28 U.S.C. § 1651] authorizes a federal court to protect that jurisdiction." (quotations omitted)); <i>Garcia-Izquierdo v. Gartner</i> , No. 04-CV-7377, 2004 WL 2093515, at *2 (S.D.N.Y. Sep. 17, 2004) (observing that, under the |

All Writs Act, 28 U.S.C. § 1651, a district court "may order that a petitioner's deportation be stayed when a stay is necessary to preserve the Court's jurisdiction of the case"); *Khalil v. Joyce*, 771 F. Supp. 3d 268, 274 (S.D.N.Y. 2025) (barring the government from removing petitioner from the United States until the Court could address his claim); *cf. Michael v. I.N.S.*, 48 F.3d 657, 661-62 (2d Cir. 1995) (holding that the All Writs Act provides a federal court of appeals reviewing a final removal order with a basis to stay removal). And in addition, in light of Petitioner's interests in participating in further proceedings before this Court and in maintaining adequate access to legal counsel through these proceedings, **it is further ORDERED that Petitioner shall not be transferred except to a facility within this District, the Eastern District of New York, or the Southern District of New York, absent further order of this Court.** *See Ozturk v. Trump*, 779 F. Supp. 3d 462, 496 (D. Vt. 2025) (ordering petitioner's transfer from Louisiana to Vermont due, in part, to her pending habeas petition), *stay and mandamus denied, Ozturk v. Hyde*, 136 F.4th 382, 403 (2d Cir. 2025).

Respondents must inform the Court of Petitioner's current location, and must include information about any other locations where Petitioner has been held and the dates of any transfers since his initial detention, by **February 27, 2026 at 12:00 P.M.** Respondents must also file a response to the writ—including any legal or factual arguments why the writ should not be granted—by **February 27, 2026 at 12:00 P.M.**

The clerk's office is directed to remove the restriction within this matter. So Ordered by Judge Sanket J. Bulsara on 2/26/2026. (RB) (Entered: 02/26/2026)

02/27/2026

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NOTICE of Appearance by Diane C. Leonardo on behalf of Pam Bondi, Kenneth Genalo, Kristi Noem (aty to be noticed) (Leonardo, Diane) (Entered: 02/27/2026)

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Letter to the Honorable Bulsara pursuant to the Court's Order dated February 26, 2026 by Pam Bondi, Kenneth Genalo, Kristi Noem (Attachments: # [1](#) Declaration) (Leonardo, Diane) (Entered: 02/27/2026)

02/27/2026

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ORDER: As explained in the attached, the writ is provisionally granted. Respondents are directed to effectuate Petitioner's release by **February 27, 2026 at 8:00 P.M.** and file a letter on the docket confirming Petitioner's release by that time. Respondents are enjoined from detaining Petitioner absent further direction from this Court. Respondents may not use ICE ankle monitors or similar technology to monitor Petitioner, because the Court has granted the writ, and is not resolving this petition on an intermediate basis by imposing bail conditions.

Because the Court has serious concerns about the legal basis to detain Petitioner in the first instance, including the use of pretextual and unconstitutional stops, ongoing abuse of the NTA and arrest warrants process, and the legality of the Government's announced use of administrative, non-judicial warrants in this context, the Court will hold a hearing in this case on **March 4, 2026 at 10:00 A.M. in Courtroom 930 of the Central Islip Courthouse.** Petitioner is not required to attend; Petitioner's counsel must attend. Counsel for the Government must attend, along with the following ICE officers, who should be prepared to testify under oath: Geraldo Palo and the Officer identified as "J 10425 Chacon."

Separately, Respondents are directed to provide a letter by **March 3, 2026 at 5:00**

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|            |                    | <b>P.M.</b> explaining why the Court should not begin contempt proceedings against Respondents and their counsel. This Court issued its decision in <i>Gopie v. Lyons</i> on November 13, 2025, several months ago, pointing out the illegality of issuing after-the-fact warrants and NTAs to justify detention of individuals. But as Respondents' letter indicates, that was done in this case. And the many cases that have come before the undersigned and other District Judges of this Court, the practice has continued unabated. Respondents must explain why they have continued to engage in these illegal practices, and the legal justification for so doing. The Court will determine after the letter submission whether to commence contempt proceedings and in the alternative, what additional relief should be issued in this and other cases. So Ordered by Judge Sanket J. Bulsara on 2/27/2026. (RB) (Entered: 02/27/2026) |
| 02/27/2026 | <a href="#">8</a>  | NOTICE of Appearance by Paige Austin on behalf of Rene Antonio Benitez (aty to be noticed) (Austin, Paige) (Entered: 02/27/2026)   |
| 02/27/2026 | <a href="#">9</a>  | Letter to the Honorable Sanket J. Bulsara to inform the Court that Petitioner was released from detention at approximately 7:00 p.m. today by Pam Bondi, Kenneth Genalo, Kristi Noem (Leonardo, Diane) (Entered: 02/27/2026)   |
| 02/28/2026 | <a href="#">10</a> | MOTION for Extension of Time to File Response/Reply to the Court's Order dated February 27, 2026 by Pam Bondi, Kenneth Genalo, Kristi Noem. (Leonardo, Diane) (Entered: 02/28/2026)  |
| 03/02/2026 |                    | ORDER: The motion for an extension of time <a href="#">10</a> is granted. Respondents are directed to file their written submission to the Court's February 27, 2026 Order <a href="#">7</a> by <b>3/24/2026</b> . The hearing is adjourned to <b>3/31/2026 at 10:00 A.M. in Courtroom 930 of the Central Islip Courthouse</b> . So Ordered by Judge Sanket J. Bulsara on 3/2/2026. (RB) (Entered: 03/02/2026)   |
| 03/22/2026 | <a href="#">11</a> | MOTION for Extension of Time to File Response/Reply to the Court's February 27 2026 order by Pam Bondi, Kenneth Genalo, Kristi Noem. (Leonardo, Diane) (Entered: 03/22/2026)   |
| 03/23/2026 |                    | ORDER: The motion for an extension of time <a href="#">11</a> is granted. Respondents are directed to file their written submission to the Court's February 27, 2026 Order <a href="#">7</a> by <b>4/07/2026</b> . The hearing is adjourned to <b>4/15/2026 at 2:00 P.M. in Courtroom 930 of the Central Islip Courthouse</b> . So Ordered by Judge Sanket J. Bulsara on 3/23/2026. (RB) (Entered: 03/23/2026)   |
| 04/07/2026 | <a href="#">12</a> | Letter to the Honorable Sanket J. Bulsara in response to the Court's February 27, 2026 order by Pam Bondi, Kenneth Genalo, Kristi Noem (Leonardo, Diane) (Entered: 04/07/2026)   |
| 04/09/2026 | <a href="#">13</a> | Notice of Related Case: <b>The Civil Cover Sheet filed in civil action 26cv2082(JMW) indicates this is a related case.</b> (LJ) (Entered: 04/09/2026)  |
| 04/09/2026 |                    | ORDER: The request for adjournment and dismissal <a href="#">12</a> is denied. The hearing scheduled for <b>April 15, 2026 at 2:00 P.M.</b> will proceed as originally scheduled. The hearing will focus on the arguments raised in Respondents' April 8, 2026 letter. As such, for now, until further order of the Court, neither side is required to present witnesses. So Ordered by Judge Sanket J. Bulsara on 4/9/2026. (RB) (Entered: 04/09/2026)  |
| 04/10/2026 |                    | ORDER: As noted in Case No. 26-CV-1110, the April 15, 2026 hearing in this case  |

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|            |                    | will be consolidated with the hearing in that case in light of the substantially similar position taken by Respondents. So Ordered by Judge Sanket J. Bulsara on 4/10/2026. (RB) (Entered: 04/10/2026)  |
| 04/14/2026 | <a href="#">14</a> | Letter <i>as to Relatedness Pursuant to E.D.N.Y. Division of Business Rule 3(b)</i> by Rene Antonio Benitez (Austin, Paige) (Entered: 04/14/2026)   |
| 04/14/2026 |                    | ORDER: Pursuant to division of business rule 3(b), any request for relatedness must be filed as a motion with a notice of the filing in the other case. The recently filed letter should be re-filed as a motion and a notice of such filing should be filed in case number 2:26-cv-2082, with the motion as an attachment. So Ordered by Judge Sanket J. Bulsara on 4/14/2026. (EM) (Entered: 04/14/2026)  |
| 04/14/2026 |                    | ORDER: Upon further review of the papers submitted on behalf of Respondents, the Court concludes that further argument on these issues is not necessary. The Court has concluded that it both has jurisdiction to hold an evidentiary hearing and that this case is not moot. The Court will be, in short order, issuing an opinion detailing the reasons for its conclusion. The evidentiary hearing will be held on <b>April 30, 2026 at 10:00 A.M.</b> Details about the format and who is required to attend will be in the forthcoming order. The hearing currently scheduled for <b>April 15, 2026 at 2:00 P.M.</b> is adjourned. So Ordered by Judge Sanket J. Bulsara on 4/14/2026. (RB) (Entered: 04/14/2026)  |
| 04/14/2026 | <a href="#">15</a> | MOTION to Reassign Case <i>as Related Pursuant to E.D.N.Y. Division of Business Rule 3(b)</i> by Rene Antonio Benitez. (Austin, Paige) (Entered: 04/14/2026)  |
| 04/15/2026 |                    | ORDER: In light of the pending motion for preliminary injunction filed in Case No. 26-CV-2082, any opposition to the motion <a href="#">15</a> , must be filed by <b>5:00 P.M. today, April 15, 2026</b> . So Ordered by Judge Sanket J. Bulsara on 4/15/2026. (RB) (Entered: 04/15/2026)   |
| 04/15/2026 | <a href="#">16</a> | RESPONSE in Opposition re <a href="#">15</a> MOTION to Reassign Case <i>as Related Pursuant to E.D.N.Y. Division of Business Rule 3(b)</i> filed by Pam Bondi, Kenneth Genalo, Kristi Noem. (Leonardo, Diane) (Entered: 04/15/2026)   |
| 04/15/2026 | <a href="#">17</a> | REPLY in Support re <a href="#">15</a> MOTION to Reassign Case <i>as Related Pursuant to E.D.N.Y. Division of Business Rule 3(b)</i> filed by Rene Antonio Benitez. (Austin, Paige) (Entered: 04/15/2026)   |
| 04/16/2026 | <a href="#">18</a> | ORDER: As explained in the attached, the motion to relate <a href="#">15</a> is granted. So Ordered by Judge Sanket J. Bulsara on 4/16/2026. (RB) (Entered: 04/16/2026)   |
| 04/16/2026 | <a href="#">19</a> | ORDER: As explained in the attached, which reflects the reasoning for the Court's decision on April 14, 2026, the Court will hold an evidentiary hearing on <b>April 30, 2026 at 10:00 A.M.</b> The following ICE officers must be present to testify: Kareem Biggs, the two officers who signed the February 26, 2026 arrest warrant for Parada Cruz provided with Respondents' submission, Geraldo Paoli, and the officers identified as "J 4879 John - (A) SDDO" and "J 10425 Chacon" on the NTA for Benitez provided with Respondents' submission. Petitioners' counsel should be prepared to lead the questioning of these witnesses, followed by cross-examination by Respondents' counsel. Agency counsel for ICE is also directed to appear. So Ordered by Judge Sanket J. Bulsara on 4/16/2026. (RB) (Entered: 04/16/2026) |
| 04/27/2026 | <a href="#">20</a> | Letter MOTION to Adjourn Conference <i>scheduled for April 30, 2026</i> by Pam  |

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|            | Bondi, Kenneth Genalo, Kristi Noem. (Leonardo, Diane) (Entered: 04/27/2026)   |
| 04/29/2026 | ORDER: The motion to adjourn <a href="#">20</a> is granted. The in-person hearing scheduled for <b>4/30/2026</b> is adjourned to <b>5/19/2026 at 10:00 A.M. in Courtroom 930 of the Central Islip Courthouse</b> . Should testimony and hearings be required beyond this initial date, the hearing will continue on <b>6/16/2026 at 2:00 P.M.</b> So Ordered by Judge Sanket J. Bulsara on 4/29/2026. (RB) (Entered: 04/29/2026)  |
| 05/12/2026 | ORDER: The Court inadvertently stated in its April 16, 2026 Order <a href="#">19</a> that Petitioner's counsel would lead questioning of the witnesses at the upcoming hearing, followed by cross-examination by Respondents' counsel. Because of the posture of these proceedings, Respondents' counsel will conduct direct examination of the witnesses, followed by any cross-examination by Petitioner's counsel. If necessary, the Court will conduct additional questioning for clarification or elucidation of relevant issues. So Ordered by Judge Sanket J. Bulsara on 5/12/2026. (RB) (Entered: 05/12/2026) |
| 05/19/2026 | MINUTE ENTRY: An in-person evidentiary hearing was held on <b>5/19/2026</b> before Judge Sanket J. Bulsara. Counsel for Petitioner (Paige Austin and Harold A. Solis) and counsel for Respondents (Diane C. Leonardo) were present and testimony was presented. So Ordered by Judge Sanket J. Bulsara on 5/19/2026. (Court Reporter ToniAnn Lucatorto.) (RB) Modified on 5/26/2026 (EM). (Entered: 05/20/2026)  |
| 05/27/2026 | ORDER: Because of the significant overlap in legal issues, the Court will await further proceedings in <i>Benitez v. U.S. Department of Homeland Security</i> (Case No. 26-CV-2082) before setting a schedule for further briefing on any ultimate injunctive relief or closure of this case. So Ordered by Judge Sanket J. Bulsara on 5/27/2026. (RB) (Entered: 05/27/2026)  |

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