



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 12, 2026

By ECF

The Honorable Jennifer L. Rochon
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Hernandez v. McElroy*, No. 26-cv-127 (JLR)

Dear Judge Rochon:

This Office represents the government in this habeas corpus action. On January 7, 2026, the Court issued an order directing the government to provide responses to certain questions by January 9, 2026. ECF No. 3. On January 12, 2026, after no response was filed, the Court directed the government to submit a response forthwith. ECF No. 4. I write respectfully in response to the Court's order, and I apologize for not filing this letter by Friday, January 9. The following are responses to the Court's questions:

- a. Venue is proper in this Court, as Petitioner was detained at the Orange County Jail in Goshen, New York at the time the petition was filed.
- b. Petitioner's A-number is A204-407-743. Petitioner is housed at the Orange County Jail in Goshen, New York. There are several ways counsel can contact Petitioner, including by calling (845) 291-7758 or (845) 291-7760, or by emailing Jailvisiting@orangecountygov.com. The following website contains more information about contacting detainees at the Orange County Jail: <https://www.ice.gov/detain/detention-facilities/orange-county-jail>.
- c. Petitioner is detained pursuant to 8 U.S.C. § 1226(a).
- d. The Court's decision in *Andujar v. Francis* is not applicable here.
- e. Petitioner does not have a final removal order.
- f. Petitioner is currently in removal proceedings. Recently, he appeared for a master calendar hearing on January 7, 2026, and he is scheduled for his next master calendar hearing on January 26, 2026. It is my understanding that he is also scheduled for a bond hearing on January 26.

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In its order issued on January 7, the Court and further ordered the government to file a response to the petition by January 12, 2026, the petitioner to file a reply by January 16, 2026, and scheduled a conference for January 20, 2026. ECF No. 3. I write respectfully to request an extension of the briefing schedule and an adjournment of the conference, as explained further

below. Through this habeas petition, Petitioner does not seek release from detention, but instead, seeks an order enjoining his transfer out of the Orange County Jail. Petitioner’s counsel reached out to this Office regarding this request to see if the parties can reach an agreement, and this Office is still conferring with ICE about this request. Currently, the Court’s January 7 order enjoins Petitioner’s transfer except to a facility within this District, the Eastern District of New York, and the District of New Jersey. ECF No. 3.


I respectfully request that the Court extend the government’s deadline to respond to the petition until January 28, 2026—two days after the date on which Petitioner is scheduled to receive a bond hearing. This will permit the parties time to confer further to see if an agreement can be reached to avoid further litigation, which would conserve judicial and party resources, and will also allow time for Petitioner to appear for a bond hearing, which could also render the action moot. Given the timing, I have not had a chance to confer with Petitioner’s counsel regarding this request, but will update the Court by letter with counsel’s position once I have it. I also apologize to the Court that this request is being made on the date of the current deadline. Given the press of business, particularly the flood of immigration habeas petitions this Office is handling, I neglected to calendar the dates in this case. This is the first request for an extension and adjournment in this matter.

I thank the Court for its consideration of this request.

Request GRANTED. Respondents shall respond to the petition by January 28, 2026. Petitioner shall file any reply by February 2, 2026. The matter shall be heard by the Court on February 9, 2026, at 9:30 a.m. The Court’s January 7, 2026 Order, *see* Dkt. 3, otherwise remains in effect.

Dated: January 13, 2026
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge

Respectfully submitted,

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Southern District of New York

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cc: Counsel of Record (by ECF)