AMERICAN CIVIL LIBERTIES UNION FOUNDATION

February 11, 2026

Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
Washington, D.C. 20543

Re: *Kenneth Genalo, Director of the New York Field Office of U.S. Immigration and Customs Enforcement, et al., v. Carol Williams Black* &
Kenneth Genalo, Director of the New York Field Office of U.S. Immigration and Customs Enforcement, et al., v. Keisy G.M., No. 25-886

Dear Mr. Harris:

The petition for a writ of certiorari in the above-captioned cases was filed on January 22, 2026 and placed on this Court's docket on January 28, 2026. Respondents' brief in opposition is currently due on February 27, 2026.

Pursuant to Supreme Court Rule 30.4, Respondents Carol Williams Black and Keisy G.M. respectfully request a 60-day extension of time to respond to the Solicitor General's petition for a writ of certiorari.

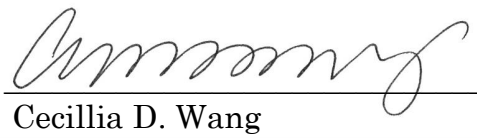
Counsel seeks additional time in part because of meaningful changes to Respondents' circumstances, which are likely to render one or both of their underlying cases moot. The government's petition concerns whether 8 U.S.C. § 1226(c), which authorizes mandatory detention pending removal proceedings for certain noncitizens, comports with the Due Process Clause of the Fifth Amendment as applied to the two Respondents here, who have each been subject to a lengthy period of detention without a bond hearing. Although that question arises from petitions for habeas corpus brought by Respondents during their time in immigration detention, neither Respondent is currently in the custody of immigration officials. Mr. Black, for his part, has departed the United States, and his immigration counsel has withdrawn his pending appeal before the Board of Immigration Appeals. Mr. G.M. is applying for a pardon with the New York Governor which, if granted, would vacate the criminal conviction that subjected him to detention under § 1226(c). Counsel requires additional time to assess the impact of these developments, including to evaluate the strong possibility that Mr. Black's habeas petition is now moot.

Counsel further requests additional time in light of their significant other case commitments. Respondents' counsel represent the Respondents in *Trump v. Barbara*,

No. 25-365, and undersigned counsel will be delivering oral argument in that case on April 1, 2026. Respondents' counsel are also merits counsel in *United States v. Hemani*, No. 24-1234, with oral arguments scheduled for March 2, 2026. Additionally, Respondents' counsel expects to: represent petitioners challenging their mandatory detention under 8 U.S.C. § 1225(b)(2) in nearly every court of appeals, and anticipates having briefs due and oral arguments scheduled in the First, Second, Fourth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Circuits over the next three months; prepare a petition for rehearing en banc in *Khalil v. President, United States*, 164 F.4th 259 (3d Cir. 2026); and deliver oral argument in *Sanabria v. Brackett*, No. 25-1091 (3d Cir.).

Counsel for the United States does not oppose this request for an extension of time.

Respectfully submitted,



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