

February 9, 2026

**VIA ACMS**

Catherine O’Hagan Wolfe, Clerk of the Court  
U.S. Court of Appeals for the Second Circuit  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: No. 25-1019, *Ozturk v. Hyde, et al.*, Fed. R. App. P. 28(j) Letter  
Re: Petitioner’s Removal Proceedings**

Dear Ms. Wolfe,

Petitioner-Appellee Rümeysa Öztürk submits this Rule 28(j) letter to advise the Court that on January 29, 2026, the immigration court held that the Department of Homeland Security had not met its burden of proving removability, and the immigration court thereby terminated removal proceedings against Ms. Öztürk.<sup>1</sup> This development underscores the dangers of the government’s interpretation of the Immigration and Nationality Act. Under the government’s view, it could punitively detain any noncitizen in retaliation for her speech for many months, so long as it simultaneously institutes removal proceedings—*no matter how unmeritorious*—all without any federal court review of the lawfulness of detention at any time.

To be clear, the termination of Ms. Öztürk’s removal proceedings does not moot her habeas case. (By contrast, as Ms. Öztürk has argued, *this appeal* is moot. Br. 18–20.) Without habeas jurisdiction and the bail order that is currently in place, any government appeal to the Board of Immigration Appeals would again subject Ms. Öztürk to re-detention. *See* 8 C.F.R. § 1003.6(a). For that reason, she continues to suffer the threat of continuing “now-or-never” First and Fifth Amendment harms. Br. in Opp. 55–57.

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<sup>1</sup> Filings in immigration court are not in the public record, but Petitioner will provide a copy to the Court under seal upon request.

Respectfully,

/s/Monica H. Allard

Brett Max Kaufman  
Brian Hauss  
Esha Bhandari  
Noor Zafar  
Sidra Mahfooz  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
125 Broad Street, Floor 18  
New York, NY 10004  
(212) 549-2500  
[bkaufman@aclu.org](mailto:bkaufman@aclu.org)  
[bhauss@aclu.org](mailto:bhauss@aclu.org)  
[ebhandari@aclu.org](mailto:ebhandari@aclu.org)  
[nzafar@aclu.org](mailto:nzafar@aclu.org)  
[smahfooz@aclu.org](mailto:smahfooz@aclu.org)

Jessie J. Rossman  
Adriana Lafaille  
Rachel E. Davidson  
Julian Bava  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF MASSACHUSETTS,  
INC.  
One Center Plaza, Suite 850  
Boston, MA 02108  
(617) 482-3170  
[jrossman@aclum.org](mailto:jrossman@aclum.org)  
[alafaille@aclum.org](mailto:alafaille@aclum.org)  
[rdavidson@aclum.org](mailto:rdavidson@aclum.org)

Lia Ernst  
Monica H. Allard  
ACLU FOUNDATION OF VERMONT  
PO Box 277  
Montpelier, VT 05601  
(802) 223-6304  
[lernst@acluvt.org](mailto:lernst@acluvt.org)  
[mallard@acluvt.org](mailto:mallard@acluvt.org)

Naz Ahmad  
Mudassar Toppa  
Shezza Abboushi Dallal  
CLEAR PROJECT  
MAIN STREET LEGAL SERVICES,  
CUNY School of Law  
2 Court Square  
Long Island City, NY 11101  
(718) 340-4630  
[naz.ahmad@law.cuny.edu](mailto:naz.ahmad@law.cuny.edu)  
[mudassar.toppa@law.cuny.edu](mailto:mudassar.toppa@law.cuny.edu)  
[shezza.dallal@law.cuny.edu](mailto:shezza.dallal@law.cuny.edu)

Matthew D. Brinckerhoff  
Katherine Rosenfeld  
Vasudha Talla  
Sonya Levitova  
EMERY CELLI BRINCKERHOFF  
ABADY WARD & MAAZEL LLP

[jbava@aclum.org](mailto:jbava@aclum.org)

Mahsa Khanbabai  
115 Main Street, Suite 1B  
North Easton, MA 02356  
(508) 297-2065  
[mahsa@mk-immigration.com](mailto:mahsa@mk-immigration.com)

One Rockefeller Plaza, 8th Floor  
New York, NY 10020  
212-763-5000  
[mbrinckerhoff@ecbawm.com](mailto:mbrinckerhoff@ecbawm.com)  
[krosenfeld@ecbawm.com](mailto:krosenfeld@ecbawm.com)  
[vtalla@ecbawm.com](mailto:vtalla@ecbawm.com)  
[slevitova@ecbawm.com](mailto:slevitova@ecbawm.com)

*Counsel for Petitioner–Appellee*