



U.S. Department of Justice
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April 9, 2020

VIA CM/ECF

The Honorable Elizabeth A. Wolford
United States District Judge for the Western District of New York
Kenneth B. Keating Federal Building
100 State Street
Rochester, NY 14614

Re: *Hassoun v. Searls*, No. 19-cv-370 (W.D.N.Y.)

Dear Judge Wolford:

At the time Respondent filed his brief yesterday (Dkt. 140), there were no confirmed cases of COVID-19 at the Buffalo Federal Detention Facility. *See* Resp.'s Br., Ex. A, Declaration of Capt. Abelardo Montalvo, M.D. ¶ 29 (Dkt. 140-1). Since then, Respondent's counsel have been informed that there are now confirmed cases at the facility.

As Respondent explained in yesterday's filing, the Court should grant the relief requested in his brief and deny Petitioner's requested relief. The confirmation of COVID-19 cases does not affect the points made in that brief. As explained on pages 7-9 of Respondent's brief, the facility has expeditiously addressed the risk posed by COVID19 and will continue to expeditiously address the confirmed cases and other risks posed by COVID-19, to safeguard all detainees. The confirmation of cases at BFDF—an event that virtually every community in the United States is facing—does not affect Captain Montalvo's conclusion that Petitioner's minimal contact and the procedures taken within BFDF will serve to minimize his potential exposure to COVID-19, an opinion Captain Montalvo rendered upon knowledge of suspected cases. Petitioner has and will remain in a single-occupancy observation room, and Petitioner's release from ICE custody would pose an undue security risk to any community in which he would reside during such release.

Sincerely,

/s/ Steven Platt
Steven Platt
Counsel for National Security
District Court Section
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