

[Create an Alert for This Case on RECAP](#)

HABEAS,LEAD,PS-A

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:20-cv-00361-LJV

Jones et al v. Wolf et al
Assigned to: Hon. Lawrence J. Vilardo
Related Case: [1:20-cv-00584-LJV](#)
Cause: 28:2241 Petition for Writ of Habeas Corpus
(federa

Date Filed: 03/25/2020
Jury Demand: None
Nature of Suit: 463 Habeas Corpus -
Alien Detainee
Jurisdiction: U.S. Government
Defendant

Petitioner

Vernon Jones
TERMINATED: 09/01/2020

represented by **Grace Ellen Zaiman**
Journeys End Refugee Services
87 North Clinton Avenue
Rochester, NY 14604
716-480-7889
Fax: 716-882-4977
Email: gezaiman@gmail.com
ATTORNEY TO BE NOTICED

John H. Peng
Prisoners' Legal Services of New
York (Albany)
41 State Street
Suite M112
Albany, NY 12207
518-694-8669
Fax: 518-694-4281
Email: jpeng@plsny.org
ATTORNEY TO BE NOTICED

Joseph David Moravec
3103 Bunker Hill Road
Mount Rainier, MD 20712
309-824-4861
Email: moravecj13@gmail.com
ATTORNEY TO BE NOTICED

Nicholas John Phillips

Prisoners' Legal Services of New
York
14 Lafayette Square
Suite 510
Buffalo, NY 14203
9173707162
Email: np@phillipspllc.com
TERMINATED: 07/27/2020

Robert F. Graziano
The Law Office of Robert F.
Graziano
50 Fountain Plaza
Suite 1455
Buffalo, NY 14202
716-575-7716
Fax: 888-343-1833
Email: bob@bobgraziano.com
ATTORNEY TO BE NOTICED

Siana McLean
Muscato & Shatkin, LLP
1520 Pine Avenue
Niagara Falls, NY 14301
716-842-0550
ATTORNEY TO BE NOTICED

Petitioner

Marckindal Jules

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)

ATTORNEY TO BE NOTICED

Siana McLean

(See above for address)

ATTORNEY TO BE NOTICED

Petitioner

Lyxon Chery

represented by **Grace Ellen Zaiman**

(See above for address)

ATTORNEY TO BE NOTICED

John H. Peng

(See above for address)

ATTORNEY TO BE NOTICED

Joseph David Moravec

(See above for address)

ATTORNEY TO BE NOTICED

Nicholas John Phillips

(See above for address)

TERMINATED: 07/27/2020

Robert F. Graziano

(See above for address)

ATTORNEY TO BE NOTICED

Siana McLean

(See above for address)

ATTORNEY TO BE NOTICED

Petitioner

Aldwin Brathwaite

represented by **Grace Ellen Zaiman**

(See above for address)

ATTORNEY TO BE NOTICED

John H. Peng

(See above for address)

ATTORNEY TO BE NOTICED

Joseph David Moravec

(See above for address)

ATTORNEY TO BE NOTICED

Nicholas John Phillips

(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Patrick Maduabuchi Nwankwo
TERMINATED: 05/01/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Dween Alfarel Blackman

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Ricardo Quintanilla-Mejia

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Bright Idada Falodun
TERMINATED: 09/01/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Philip Donga
TERMINATED: 09/01/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Gamdur Narain

TERMINATED: 09/01/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Eric C Commissiong

TERMINATED: 05/19/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Md. Abu Musa Bhuyan

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Ibrahima Sory Sow

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)

TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Jubril Adalakoun
TERMINATED: 05/01/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Juan Carlos Lainez Mejia
TERMINATED: 05/01/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec

(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Croswell Wilson
TERMINATED: 09/01/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Jonathan Espinal-Polanco
TERMINATED: 09/01/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Marvens Thomas
TERMINATED: 09/01/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Shantadewie Rahmee
TERMINATED: 05/01/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Danilo Concepcion

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean

(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Oscar Salcedo
TERMINATED: 09/01/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Curry Wendell Forbes
TERMINATED: 05/10/2021

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Necati Harsit
TERMINATED: 09/01/2020

represented by **Grace Ellen Zaiman**
(See above for address)
ATTORNEY TO BE NOTICED

John H. Peng
(See above for address)
ATTORNEY TO BE NOTICED

Joseph David Moravec
(See above for address)
ATTORNEY TO BE NOTICED

Nicholas John Phillips
(See above for address)
TERMINATED: 07/27/2020

Robert F. Graziano
(See above for address)
ATTORNEY TO BE NOTICED

Siana McLean
(See above for address)
ATTORNEY TO BE NOTICED

Petitioner

Shane Ramsundar

represented by **John H. Peng**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert F. Graziano
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Chad Wolf

*in his official capacity as Acting
Secretary, U.S. Department of
Homeland Security*

represented by **United States Attorney's Office (e-
service)**

Western District of New York
Email: USANYW-Immigration-
Habeas@usdoj.gov
TERMINATED: 04/30/2020
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam A. Khalil

U.S. Attorney's Office
100 State Street
Rochester, NY 14614
585-399-3979
Fax: 585-399-3936
Email: adam.khalil@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

Thomas E. Feeley

*in his official capacity as Field
Office Director, Buffalo Field
Office, U.S. Immigration & Customs
Enforcement*

represented by **United States Attorney's Office (e-
service)**

(See above for address)
TERMINATED: 04/30/2020
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam A. Khalil

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

Respondent

Jeffrey Searls

*in his official capacity as
Administrator, Buffalo Federal
Detention Facility*

represented by **United States Attorney's Office (e-
service)**

(See above for address)
TERMINATED: 04/30/2020
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam A. Khalil

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

Date Filed	#	Docket Text
03/25/2020	<u>1</u>	Emergency PETITION for Writ of Habeas Corpus <i>and Complaint for Injunctive Relief</i> (Filing fee \$ 5 receipt number 0209-3779816.), filed by Eric C Commissiong, Oscar Salcedo, Ricardo Quintanilla-Mejia, Marckindal Jules, Jonathan Espinal-Polanco, Curry Wendell Forbes, Vernon Jones, Marvens Thomas, Croswell Wilson, Ibrahima Sory Sow, Necati Harsit, Dween Alfarel Blackman, Lyxon Chery, Philip Donga, Md. Abu Musa Bhuyan, Jubril Adelakoun, Danilo Concepcion, Juan Carlos Lainez Mejia, Bright Idada Falodun, Aldwin Brathwaite, Shantadewie Rahmee, Gamdur Narain, Patrick Maduabuchi Nwankwo. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet)(Moravec, Joseph) (Entered: 03/25/2020)
03/26/2020	<u>2</u>	CONTINUATION OF EXHIBITS to <u>1</u> Petition for Writ of Habeas Corpus,, <i>Exhibits in Support of Petition and Complaint</i> . (Moravec, Joseph) (Entered: 03/26/2020)
03/26/2020	<u>3</u>	DECLARATION signed by Robert B. Greifinger, MD filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # <u>1</u> Exhibit Curriculum Vitae, # <u>2</u> Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 03/26/2020)
03/26/2020	<u>4</u>	DECLARATION signed by Joe Goldenson, M.D. filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # <u>1</u> Exhibit

		Curriculum Vitae, # 2 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 03/26/2020)
03/26/2020	5	DECLARATION signed by Marc F. Stern, M.D. filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Exhibit Curriculum Vitae, # 2 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 03/26/2020)
03/26/2020	6	DECLARATION signed by Andrew Lorenzen-Strait filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Exhibit Curriculum Vitae and Supporting Documents, # 2 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 03/26/2020)
03/26/2020	7	DECLARATION signed by Jonathan Louis Golob, M.D., Ph.D. filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Exhibit Curriculum Vitae, # 2 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 03/26/2020)
03/26/2020	8	MOTION for Temporary Restraining Order by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez

		Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Attachments: # 1 Text of Proposed Order Proposed Order)(Moravec, Joseph) (Entered: 03/26/2020)
03/26/2020	9	MEMORANDUM IN SUPPORT re 8 MOTION for Temporary Restraining Order by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Attachments: # 1 Exhibit Letter from Scott A. Allen, M.D. and Josiah Rich, M.D. to Congress re: DHS COVID-19 Response, # 2 Exhibit New Jersey Order Releasing County Jail Inmates)(Moravec, Joseph) (Entered: 03/26/2020)
03/26/2020		Case assigned to Hon. Lawrence J. Vilardo. Notification to Chambers of on-line civil case opening. (CGJ) (Entered: 03/26/2020)
03/26/2020		Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at http://www.uscourts.gov/services-forms/forms . (CGJ) (Entered: 03/26/2020)
03/26/2020	10	Order IT IS HEREBY ORDERED that on or before March 27, 2020, the petitioners shall file and serve a memorandum of law explaining, for each petitioner, (1) his or her detention status (length, statutory basis, and prior bond hearings); (2) medical evidence, including opinions from healthcare professionals, supporting his or her claim of being at "particularly grave risk of developing serious complications or death if [he or she] contract[s] COVID-19"; and (3) proposed terms and conditions of release, including any supervision; and it is further

		ORDERED that on or before March 30, 2020, the respondents shall file and serve an answer responding to the allegations in the petition ; and it is further ORDERED that on or before March 30, 2020, the respondents shall file and serve, in addition to their answer, a memorandum of law addressing (1) each petitioner's detention status (length, statutory basis, prior bond hearings, efforts to effect removal, and the likelihood of removal in the reasonably foreseeable future, <i>Zadvydas v. Davis</i>, 533 U.S. 678, 700-01 (2001)); (2) each petitioner's claim of being at "particularly grave risk of developing serious complications or death if [he or she] contract[s] COVID-19;" (3) the conditions of confinement at Batavia, including measures being taken to limit the risks posed by COVID-19; and (4) each petitioner's proposed terms and conditions of supervised release; and it is further ORDERED that on or before March 30, 2020, instead of their answer, the respondents may file a motion to dismiss the petition, accompanied by appropriate exhibits demonstrating that an answer to the petition is unnecessary; and it is further ORDERED that the parties shall appear by telephone for oral argument on March 31, 2020, at 9:00 AM; Signed by Hon. Lawrence J. Vilardo on 3/26/20. (Attachments: # 1 Petition)(CEH) -CLERK TO FOLLOW UP- (Entered: 03/26/2020)
03/26/2020	11	NOTICE of Appearance by Adam A. Khalil on behalf of Thomas E. Feeley, Jeffrey Searls, Chad Wolf (Khalil, Adam) (Entered: 03/26/2020)
03/27/2020		E-Filing Notification: Missing case caption and case number. For future reference filings should be filed in proper pleading format or file as is, as attachments to the 1 Petition. No Action required. RE 3 DECLARATION through 7 DECLARATION. (TF) (Entered: 03/27/2020)
03/27/2020	12	Letter filed <i>requesting extension of page limit</i> . (Khalil, Adam) (Entered: 03/27/2020)

03/27/2020	<u>13</u>	MOTION for Extension of Time to File Response/Reply as to <u>10</u> Order,,,,,,,,, Order to Answer,,,,,,,,, Add and Terminate Attorneys,,,,,,,,, Set Deadlines/Hearings,,,,,,,,, <i>To extend filing deadline by three hours</i> by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Attachments: # <u>1</u> Text of Proposed Order Proposed order)(Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	<u>14</u>	DECLARATION signed by Joe Goldenson, M.D. filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson <i>Supplemental Declaration on Petitioners' Risks from COVID-19</i>. (Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	<u>15</u>	CONTINUATION OF EXHIBITS <i>in Support of Petition for Writ of Habeas Corpus and Complaint for Injunctive Relief</i>. (Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	<u>16</u>	MEMORANDUM/BRIEF <i>in Support of Vernon Jones</i> by Vernon Jones. (Attachments: # <u>1</u> Exhibit Exhibits in Support of Petitioner Vernon Jones)(Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	<u>17</u>	MEMORANDUM/BRIEF <i>in Support of Dween Blackman</i> by Dween Alfarel Blackman. (Attachments: # <u>1</u> Exhibit Exhibits in Support of Petitioner Dween Blackman)(Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	<u>18</u>	MEMORANDUM/BRIEF <i>in Support of Bright Falodun</i> by Bright Idada Falodun. (Attachments: # <u>1</u> Exhibit Exhibits in Support of Bright Falodun)(Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	<u>19</u>	MEMORANDUM/BRIEF <i>in Support of Marckindal Jules</i> by Marckindal Jules. (Attachments: # <u>1</u> Exhibit Exhibits in Support of

		Petitioner Marckindal Jules)(Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	20	MEMORANDUM/BRIEF <i>in Support of Lyxon Chery</i> by Lyxon Chery. (Attachments: # 1 Exhibit Exhibits in Support of Petitioner Lyxon Chery)(Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	21	MEMORANDUM/BRIEF <i>in Support of Md. Abu Musa Bhuyan</i> by Md. Abu Musa Bhuyan. (Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	22	MEMORANDUM/BRIEF <i>in Support of Philip Donga</i> by Philip Donga. (Attachments: # 1 Exhibit Exhibits in Support of Petitioner Philip Donga)(Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	23	MEMORANDUM/BRIEF <i>in Support of Gamdur Narain</i> by Gamdur Narain. (Attachments: # 1 Exhibit Exhibits in Support of Petitioner Gamdur Narain)(Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	24	MEMORANDUM/BRIEF <i>in Support of Eric Commissiong</i> by Eric C Commissiong. (Attachments: # 1 Exhibit Exhibits in Support of Petitioner Eric Commissiong)(Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	25	MEMORANDUM/BRIEF <i>in Support of Aldwin Brathwaite</i> by Aldwin Brathwaite. (Attachments: # 1 Declaration Declaration of Joseph Moravec, # 2 Exhibit Exhibits in Support of Petitioner Aldwin Brathwaite)(Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	26	MEMORANDUM/BRIEF <i>in Support of Patrick Nwankwo</i> by Patrick Maduabuchi Nwankwo. (Attachments: # 1 Declaration Declaration of Joseph Moravec, # 2 Exhibit Exhibits in Support of Petitioner Patrick Nwankwo)(Moravec, Joseph) (Entered: 03/27/2020)
03/27/2020	27	MEMORANDUM/BRIEF <i>in Support of Ricardo Quintanilla-Mejia</i> by Ricardo Quintanilla-Mejia. (Attachments: # 1 Exhibit Exhibits in Support of Petitioner Ricardo Quintanilla-Mejia)(Moravec, Joseph) (Entered: 03/28/2020)
03/28/2020	28	MEMORANDUM/BRIEF <i>in Support of Ibrahima Sory Sow</i> by Ibrahima Sory Sow. (Attachments: # 1 Exhibit Exhibits in Support of Petitioner Ibrahima Sory Sow)(Moravec, Joseph) (Entered: 03/28/2020)

03/28/2020	29	MEMORANDUM/BRIEF <i>in Support of Jubril Adelakoun</i> by Jubril Adelakoun. (Attachments: # 1 Exhibit Exhibits in Support of Jubril Adelakoun)(Moravec, Joseph) (Entered: 03/28/2020)
03/28/2020	30	MEMORANDUM/BRIEF <i>in Support of Juan Carlos Lainez Mejia</i> by Juan Carlos Lainez Mejia. (Attachments: # 1 Declaration Declaration of Elizabeth Rieser-Murphy, # 2 Exhibit Exhibits in Support of Petitioner Juan Carlos Lainez Mejia)(Moravec, Joseph) (Entered: 03/28/2020)
03/28/2020	31	MEMORANDUM/BRIEF <i>in Support of Necati Harsit</i> by Necati Harsit. (Attachments: # 1 Exhibit Exhibits in Support of Petitioner Necati Harsit)(Moravec, Joseph) (Entered: 03/28/2020)
03/28/2020	32	MEMORANDUM/BRIEF <i>in Support of Oscar Salcedo</i> by Oscar Salcedo. (Attachments: # 1 Exhibit Exhibits in Support of Petitioner Oscar Salcedo)(Moravec, Joseph) (Entered: 03/28/2020)
03/28/2020	33	MEMORANDUM/BRIEF <i>in Support of Curry Wendell Forbes</i> by Curry Wendell Forbes. (Attachments: # 1 Exhibit Exhibits in Support of Curry Wendell Forbes)(Moravec, Joseph) (Entered: 03/28/2020)
03/28/2020	34	MEMORANDUM/BRIEF <i>in Support of Croswell Wilson</i> by Croswell Wilson. (Attachments: # 1 Declaration Declaration of Jillian Nowak, # 2 Exhibit Exhibits in Support of Petitioner Croswell Wilson)(Moravec, Joseph) (Entered: 03/28/2020)
03/28/2020	35	MEMORANDUM/BRIEF <i>in Support of Jonathan Espinal-Polanco</i> by Jonathan Espinal-Polanco. (Attachments: # 1 Exhibit Exhibits in Support of Petitioner Jonathan Espinal-Polanco)(Moravec, Joseph) (Entered: 03/28/2020)
03/28/2020	36	MEMORANDUM/BRIEF <i>in Support of Danilo Concepcion</i> by Danilo Concepcion. (Attachments: # 1 Exhibit Exhibits in Support of Petitioner Danilo Concepcion)(Moravec, Joseph) (Entered: 03/28/2020)
03/28/2020	37	MEMORANDUM/BRIEF <i>in Support of Marvens Thomas</i> by Marvens Thomas. (Attachments: # 1 Exhibit Exhibits in Support of Petitioner Marvens Thomas)(Moravec, Joseph) (Entered: 03/28/2020)
03/28/2020	38	MEMORANDUM/BRIEF <i>in Support of Shantadewie Rahmee</i> by Shantadewie Rahmee. (Attachments: # 1 Exhibit Exhibits in Support of Petitioner Shantadewie Rahmee)(Moravec, Joseph) (Entered: 03/28/2020)

03/28/2020	39	ORDER granting 13 Motion for Extension of Time to File Memoranda of Law. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 3/28/2020. (CEH) (Entered: 03/28/2020)
03/28/2020	40	TEXT ORDER granting the respondents' unopposed motion for a leave to file a memorandum of law in excess of 25 pages, Docket Item 12 . SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 02/28/2020. (CEH) (Entered: 03/28/2020)
03/30/2020	41	TEXT ORDER: Writ Hearing rescheduled for 3/31/2020 at 03:00 PM in US Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. Signed by Hon. Lawrence J. Vilardo on 3/30/2020. (CEH) (Entered: 03/30/2020)
03/30/2020	42	<i>Respondents' RESPONSE to 1 Petition for Writ of Habeas Corpus,, and Motion for a TRO by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Attachments: # 1 Declaration of Dr. Montalvo, # 2 Declaration of SDDO DeLong, # 3 Declaration Katie Schreiver, # 4 Declaration OIC Searls, # 5 Memorandum of Law in Opposition, # 6 Sacal-Micha Decision (SDTX), # 7 Francisco Decision (DNJ))(Khalil, Adam) (Entered: 03/30/2020)</i>
03/31/2020	43	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Oral Argument held re: MOTION for Temporary Restraining Order held 3/31/2020. Prior to argument, Court ordered that this proceeding is not to be recorded, or taped in any way. If somebody does record it, they will be found in contempt of court. Court reserves decision. Appearances by teleconference. For petitioners: Joseph D. Moravec, Nicholas J. Phillips, Robert F. Graziano, Grace E. Zaiman, and Siana McLean. For respondent: AUSA Adam A. Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 04/01/2020)
04/02/2020	44	ORDER granting in part and denying in part the petitioners' motion for a temporary restraining order, Docket Item 8 . The respondents shall submit a detailed plan to the Court by 5:00 p.m. on April 3, 2020, demonstrating how they will provide those petitioners who are vulnerable individuals, as defined by the Centers for Disease Control and Prevention ("CDC"), with a living situation that facilitates "social distancing." No later than 9:00 a.m. on April 6, 2020, the respondents shall report to the Court as to whether any or all of the steps outlined in the plan have been taken and, if so, which ones. They also shall identify for which petitioners the measures have been taken and provide a brief explanation why any petitioner does not meet the CDC's high-risk

		criteria. IT IS SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 04/02/2020. (CEH) -CLERK TO FOLLOW UP- (Entered: 04/02/2020)
04/03/2020	45	DECLARATION signed by Captain Abelardo Montalvo, M.D. re 44 Order on Motion for TRO,,, filed by Jeffrey Searls, Thomas E. Feeley, Chad Wolf filed by Jeffrey Searls, Thomas E. Feeley, Chad Wolf. (Khalil, Adam) (Entered: 04/03/2020)
04/03/2020	46	TEXT ORDER: In their April 06, 2020 report to this Court, the respondents shall include, in addition to the information discussed in this Court's April 02, 2020 order, Docket Item 44 , an explanation of the rationale--medical, logistical, or otherwise--for placing petitioners Nwankwo and Adelakun in communal dorms, rather than in their own cells. The petitioners shall have until 9:00 am on April 07, 2020 to brief the Court on their position as to whether the respondents' efforts have remedied the constitutional violations identified in this Court's April 02, 2020 decision and order, Docket Item 44 . SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 04/03/2020. (CEH) (Entered: 04/03/2020)
04/04/2020	47	DECLARATION signed by OIC Jeffrey Searls re 46 Order,, 44 Order on Motion for TRO,,, filed by Thomas E. Feeley, Jeffrey Searls, Chad Wolf . (Khalil, Adam) (Entered: 04/04/2020)
04/06/2020	48	Letter filed <i>re: Petitioner Chery</i>. (Khalil, Adam) (Entered: 04/06/2020)
04/06/2020	49	ORDER: Writ Hearing set for 04/07/2020 at 03:00 PM by telephone before Hon. Lawrence J. Vilardo. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 04/20/2020. (CEH) (Entered: 04/06/2020)
04/07/2020	50	DECLARATION signed by Marc Stern, M.D. filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow,

		Marvens Thomas, Croswell Wilson . (Moravec, Joseph) (Entered: 04/07/2020)
04/07/2020	51	DECLARATION signed by Robert Greifinger, M.D. filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Moravec, Joseph) (Entered: 04/07/2020)
04/07/2020	52	CONTINUATION OF EXHIBITS <i>re: Additional Exhibits in Support of Petition and Motion for TRO.</i> (Moravec, Joseph) (Entered: 04/07/2020)
04/07/2020	53	MEMORANDUM/BRIEF re 47 Declaration <i>re: in Opposition to Respondents' Proposed Plan to Cure Violations of Petitioners' Constitutional Rights</i> by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Moravec, Joseph) (Entered: 04/07/2020)
04/07/2020	54	ORDERED that on or before April 8, 2020, at 5:00 p.m., the petitioners shall file and serve an affidavit from Captain Montalvo or another qualified individual (1) opining whether individuals with epilepsy and/or those who are over 50 years of age and confined to detention facilities similar to BFDF meet the CDC's criteria for vulnerable individuals and explaining the reasons for that conclusion, (2) detailing the types and quantities of personal protective equipment ("PPE") available to the vulnerable petitioners, and (3) detailing the types of PPE available to staff who interact with the vulnerable petitioners; and it is further ORDERED that on or before April 8, 2020, at 5:00 p.m., the petitioners shall either (a) file and serve an affidavit from respondent Searls or another qualified individual confirming that petitioners Concepcion, Falodun, Sow, Adelakun, and Nwankwo have been placed in individual cells and that all vulnerable

		petitioners have been allowed to practice the "social distancing" measures identified in Captain Montalvo's April 3, 2020 affidavit; or (b) show cause why this Court should not order the petitioners to immediately reduce the detainee population to a level that would facilitate such actions; and it is further ORDERED that on or before April 8, 2020, at 5:00 p.m., the petitioners also may submit additional affidavits to this Court supporting their claims that BFDF is unable to comply with this Court's orders in this matter; and it is further ORDERED that the parties shall appear by telephone for argument on April 9, 2020, at 10:00 a.m. SO ORDERED. Signed by Hon. Lawrence J. Vilardo on 04/07/2020. (CEH) (Entered: 04/07/2020)
04/07/2020	55	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Oral Argument held on 4/7/2020. Court directed parties to file additional submissions, as specified on the record, by 5:00 p.m. on 4/8/2020. Further oral argument by teleconference scheduled for 4/9/2020 at 10:00 AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Appearances by teleconference. For petitioners: Joseph D. Moravec, Nicholas J. Phillips, Robert F. Graziano, Grace E. Zaiman, and Siana McLean. For respondent: AUSA Adam A. Khalil. (Court Reporter Ann M. Sawyer.) (CMD) Modified to change date of hearing on 4/9/2020 (CMD). (Entered: 04/08/2020)
04/08/2020	56	MOTION for Extension of Time to File Response/Reply as to 54 Order,,,,,,,,, Set Hearings,,,,,,,, re: <i>5 Hour Extension</i> by Jubril Adalakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Crosswell Wilson.(Moravec, Joseph) (Entered: 04/08/2020)

04/08/2020	57	DECLARATION signed by CAPTAIN ABELARDO MONTALVO, M.D. re 54 Order,,,,,, Set Hearings,,,,, filed by Thomas E. Feeley, Jeffrey Searls, Chad Wolf . (Khalil, Adam) (Entered: 04/08/2020)
04/08/2020	58	TEXT ORDER: The petitioners' motion for an extension of time, Docket Item 56 , is GRANTED. The petitioners and respondents shall file their respective submissions on or before 04/08/2020 at 11:59 PM. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 04/08/2020. (CEH) (Entered: 04/08/2020)
04/08/2020	59	DECLARATION signed by Jeffrey Searls re 54 Order,,,,,, Set Hearings,,,,, filed by Thomas E. Feeley, Jeffrey Searls, Chad Wolf . (Khalil, Adam) (Entered: 04/08/2020)
04/08/2020	60	DECLARATION signed by Joseph Moravec filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Crosswell Wilson . (Attachments: # 1 Exhibit Confirmation of Nwankwo Release, # 2 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/08/2020)
04/08/2020	61	DECLARATION signed by Jennifer Connor filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Crosswell Wilson . (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/08/2020)
04/08/2020	62	AFFIDAVIT of Cristian Aneury Diaz Arvelo (confirmed by phone by Siana McLean, Esq.) by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes,

		Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/08/2020)
04/08/2020	63	AFFIDAVIT of Petitioner Jubril Adelakoun re: conditions at BFDF and release by Jubril Adelakoun. (Attachments: # 1 Exhibit Confirmation of Adelakoun Release, # 2 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/08/2020)
04/08/2020	64	AFFIRMATION signed by Robert F. Graziano filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/08/2020)
04/08/2020	65	AFFIRMATION signed by Brenda A. Cisneros Vilchis filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/08/2020)
04/08/2020	66	DECLARATION signed by Petitioner Croswell Wilson filed by Croswell Wilson (confirmed by phone by Jillian Nowak, Esq.) re:. (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/08/2020)
04/08/2020	67	DECLARATION signed by Yared Tedla (confirmed by Blanca Owen, Esq.) filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon

		Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/08/2020)
04/08/2020	68	AFFIRMATION signed by Margaret R. Lindstrom filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/08/2020)
04/08/2020	69	Letter filed <i>re: Epilepsy and COVID-19</i> . (Attachments: # 1 Exhibit CDC Mitigation Recommendation for New Rochelle, New York, # 2 Exhibit CDC Community Mitigation Strategy, # 3 Exhibit New York State Office for People with Developmental Disabilities Guidance on COVID-19)(Moravec, Joseph) (Entered: 04/08/2020)
04/08/2020	70	CONTINUATION OF EXHIBITS Additional Supporting Exhibits re 1 Emergency PETITION for Writ of Habeas Corpus and Complaint for Injunctive Relief. (Moravec, Joseph) Modified on 4/9/2020 (TF). (Entered: 04/08/2020)
04/09/2020		E-Filing Notification: For future reference link document to entry RE 70 CONTINUATION OF EXHIBITS,Addi tional Supporting Exhibits to 1 Emergency PETITION for Writ of Habeas Corpus and Complaint for Injunctive Relief. Clerks Office to modify entry. No action required. 1 (TF) (Entered: 04/09/2020)
04/09/2020	71	DECISION AND ORDER re: motion for a temporary restraining order, Docket Item 8 . Signed by Hon. Lawrence J. Vilardo on 04/09/2020. (CEH) -CLERK TO FOLLOW UP- (Entered: 04/09/2020)
04/09/2020	72	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Oral Argument re: 8 Motion for Temporary Restraining Order held on 4/9/2020. Prior to argument, Court ordered that the proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Bench

		statement issued denying TRO for Non-CDC-vulnerable detainees, and granting in part the TRO for CDC-vulnerable detainees, as detailed on the record. A written decision and order will be issued by the Court. Deadline to file motion to convert TRO to a Preliminary Injunction is 4/24/2020. Appearances by teleconference. For petitioners: Joseph D. Moravec, Nicholas J. Phillips, Robert F. Graziano, Grace E. Zaiman, and Siana McLean. For respondent: AUSA Adam A. Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 04/09/2020)
04/10/2020		Copy of Doc. No. 71 Decision and Order mailed to attorney Siana McLean. (JLV) (Entered: 04/10/2020)
04/14/2020	73	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 3/31/2020, before Judge Hon. Lawrence J. Vilardo. Court Reporter/Transcriber Ann M. Sawyer, Contact Info Ann_Sawyer@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 5/5/2020. Redacted Transcript Deadline set for 5/15/2020. Release of Transcript Restriction set for 7/13/2020. (CGJ) (Entered: 04/14/2020)
04/20/2020	74	Letter filed <i>re update to conditions at BFDF</i> . (Khalil, Adam) (Entered: 04/20/2020)
04/24/2020	75	DECLARATION signed by Aldwin Brathwaite filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Crosswell Wilson . (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/24/2020)
04/24/2020	76	DECLARATION signed by Gamdar Narain filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain,

		Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/24/2020)
04/24/2020	77	DECLARATION signed by Philip Donga filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/24/2020)
04/24/2020	78	DECLARATION signed by Eric C. Commissiong filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/24/2020)
04/24/2020	79	AFFIDAVIT of <i>Cristian Aneury Diaz Arvelo</i> by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/24/2020)
04/24/2020	80	DECLARATION signed by Joseph Moravec filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan

		Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Declaration Declaration of Daniel E. Jackson Relaying Sefatullah Ahmadzai's Statement, # 2 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/24/2020)
04/24/2020	81	AFFIDAVIT of <i>Memphis Delgado Morgan</i> by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/24/2020)
04/24/2020	82	DECLARATION signed by Vania C. Mendoza Pimentel filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/24/2020)
04/24/2020	83	NOTICE of Appearance by John H. Peng on behalf of Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson (Peng, John) (Entered: 04/24/2020)
04/24/2020	84	MEMORANDUM IN OPPOSITION re 71 Decision and Order <i>as to why an injunction should not issue</i> by Thomas E.

		Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 04/24/2020)
04/24/2020	85	AFFIRMATION signed by Blanca A. Owen filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/24/2020)
04/24/2020	86	ORDER: In light of the petitioners' substantial submissions and the government's opposition to entering a preliminary injunction, the Court finds good cause to extend the TRO, Docket Item 71 , until 05/01/2020. See Fed. R. Civ. P. 65(b)(2). The Court takes the parties' submissions under advisement and will schedule oral argument at a later time if necessary. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 04/24/2020. (CEH) (Entered: 04/24/2020)
04/24/2020	87	AFFIRMATION signed by Margaret Lindstrom filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Exhibit Emails Concerning Petitioner Espinal-Polanco's Medical Treatment, # 2 Exhibit ICE Parole Denial, # 3 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/24/2020)
04/24/2020	88	MEMORANDUM/BRIEF re 72 Oral Argument,,, <i>in support of Preliminary Injunction</i> by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick

		Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Attachments: # 1 Exhibit Combined Exhibits in Support of Preliminary Injunction)(Moravec, Joseph) (Entered: 04/24/2020)
04/27/2020	89	DECISION & ORDER granting in part and denying in part motion for a preliminary injunction; ordering status updates; and ordering briefing on final habeas relief. Signed by Hon. Lawrence J. Vilardo on 04/27/2020. (CEH) (Entered: 04/27/2020)
04/27/2020		E-Filing Notification: Document missing signature. Action required: re-file document with proper signature re 82 DECLARATION signed by Vania C. Mendoza Pimentel. (TF) (Entered: 04/27/2020)
04/29/2020	90	DECLARATION signed by Vania C. Mendoza Pimentel re E-Filing Notification No Signature filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson . (Attachments: # 1 Certificate of Service Certificate of Service)(Moravec, Joseph) (Entered: 04/29/2020)
04/29/2020	91	STATUS REPORT <i>as to conditions at BFDF with photographic exhibits</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6)(Khalil, Adam) (Entered: 04/29/2020)
04/30/2020	92	TEXT ORDER: The respondents have released four of the petitioners to this action--Jubril Adelakun, Juan Carlos Lainez Mejia, Patrick Maduabuchi Nwankwo, and Shantadewie Rahmee. <i>See</i> Docket Item 42 -5 at 1 n.1; Docket Item 59 at 3; Docket Item 91 at 2 n.1. "Under Article III of the Constitution, when a case becomes moot, the federal courts lack subject matter jurisdiction over the action." <i>Leybinsky v. U.S. Immigration and Customs Enforcement</i> , 553 F. App'x 108, 109 (2d Cir. 2014) (summary order) (quoting <i>Doyle v. Midland Credit Mgmt., Inc.</i> , 722 F.3d 78, 80 (2d Cir. 2013)). "Under 28 U.S.C. § 2241, the habeas statute under which [the] petitioner[s] challenged [their] detention, [courts] retain jurisdiction so long as the petitioner[s]

		are] 'in custody.'" <i>Pierrilus v. U.S. Immigration & Customs Enforcement</i>, 293 F. App'x 78, 79 (2d Cir. 2008) (summary order). Because Adelakun, Lainez Mejia, Nwankwo, and Rahmee have been released from "ICE custody, the[ir] petition[s] ha[ve] been rendered moot divesting the Court of subject matter jurisdiction." <i>Diop v. Sessions</i>, 2019 WL 1894387, at *2 (S.D.N.Y. Mar. 20, 2019). Accordingly, Adelakun's, Lainez Mejia's, Nwankwo's, and Rahmee's petitions are dismissed as moot and the Clerk of Court shall terminate them as parties to this action. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 04/30/2020. -CLERK TO FOLLOW UP- (Entered: 04/30/2020)
04/30/2020	93	TEXT ORDER. The respondents have provided this Court with a status update in which they assert that they are complying with the terms of the preliminary injunction. <i>See</i> Docket Item 91. But the Court also is in receipt of twenty affidavits and declarations from the petitioners and witnesses on their behalf disputing this assertion. <i>See</i> Docket Items 60-68, 75-82, 85, 87, 90. The Court therefore will hold an evidentiary hearing via videoconference to address the respondents' alleged noncompliance. Both parties shall appear, through counsel, for a status conference on Monday, May 4, 2020, at 2:00 p.m. to discuss the scheduling and logistics of this video hearing. Counsel for the government should be prepared to provide the Court with information about the videoconferencing capabilities at BFDF. SO ORDERED. Signed by Hon. Lawrence J. Vilardo on 4/30/2020. (CMD) (Entered: 04/30/2020)
04/30/2020		PLEASE NOTE: The proceeding described herein will be held remotely. Public access to the proceeding scheduled for 5/4/2020 at 2:00 PM can be obtained by contacting Judge Vilardo's chambers at (716) 551-1621. (CMD) (Entered: 04/30/2020)
05/04/2020	94	TEXT ORDER. The Court will hold an evidentiary hearing via Zoom for Government on May 13, 2020 at 10:00am. The petitioners shall file and serve an abbreviated statement of alleged violations of this Court's prior orders by May 6, 2020. The respondents shall file and serve an abbreviated counterstatement, along with their proposed witness list, by May 8, 2020. The petitioners shall file and serve their proposed witness list by May 11, 2020. The petitioners and respondents thereafter shall meet, confer, and submit a proposed hearing schedule that takes into consideration the witnesses' housing units (so as to limit disease spread) and language-access needs (so as to coordinate interpreters) by May 12, 2020. PLEASE NOTE: The proceeding

		described herein will be held remotely. Public access to the proceeding can be obtained by contacting Judge Vilardo's chambers at (716) 551-1621. SO ORDERED. Signed by Hon. Lawrence J. Vilardo on 5/4/2020. (CMD) (Entered: 05/04/2020)
05/04/2020	98	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Status Conference held on 5/4/2020. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Discussed logistics of holding an evidentiary hearing including video conference capabilities at Buffalo Federal Detention Facility (BFDF), witnesses, interpreters, and proposed hearing plan for witnesset. Petitioner to provide an abbreviated statement of alleged violations by 5/6/2020. Respondent to file witness list and response to alleged violations by 5/8/2020. Petitioners to file witness list by 5/11/2020. Video conference evidentiary hearing scheduled for 5/13/2020 at 10:00 AM by ZOOM for Government at BFDF. Appearances by teleconference: For petitioners: Joseph D. Moravec, Nicholas J. Phillips, Robert F. Graziano, and Grace E. Zaiman. For respondent: AUSA Adam A. Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 05/06/2020)
05/05/2020	95	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of STATUS CONFERENCE held on 5/4/2020, before Judge Hon. Lawrence J. Vilardo. Court Reporter/Transcriber Ann M. Sawyer, Contact Info Ann_Sawyer@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 5/26/2020. Redacted Transcript Deadline set for 6/5/2020. Release of Transcript Restriction set for 8/3/2020. (CGJ) (Entered: 05/05/2020)
05/06/2020	96	STATEMENT OF FACTS <i>re :Statement of Violations</i> by Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Md. Abu Musa Bhuyan, Gamdur Narain, Ricardo Quintanilla-Mejia, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Moravec, Joseph) (Entered: 05/06/2020)
05/06/2020	97	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 05/06/2020)

05/08/2020	<u>99</u>	Witness List by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 05/08/2020)
05/08/2020	<u>100</u>	MEMORANDUM IN OPPOSITION re <u>96</u> Statement of Facts, by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 05/08/2020)
05/11/2020	<u>101</u>	Witness List by Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Md. Abu Musa Bhuyan, Gamdur Narain, Ricardo Quintanilla-Mejia, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Moravec, Joseph) (Entered: 05/11/2020)
05/12/2020	<u>102</u>	NOTICE of Appearance by Siana Jody McLean on behalf of All Plaintiffs (McLean, Siana) (Entered: 05/12/2020)
05/13/2020	103	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Evidentiary Hearing held on 5/13/2020. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. The following witnesses were sworn and testified: Petitioners' witnesses: Aldwin Brathwaite, Cristian Diaz Arvelo, Remy Antonio Espinoza, and Shane Ramsundar. Respondents' witness: Jeffrey Searls. Simultaneous submissions due by end of day on 5/14/2020 not to exceed 15 pages. In addition, submissions/declarations regarding (1) signage; (2) shower schedule, and (3) placing detainees who tested positive with high risk individuals in accordance with CDC criteria. Appearances by ZOOM for Government: For petitioners: Joseph D. Moravec (video conference), Robert F. Graziano (video conference), Nicholas J. Phillips (teleconference), Grace E. Zaiman (teleconference), and John H. Peng (teleconference). For respondent: AUSA Adam A. Khalil (video conference). (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 05/13/2020)
05/13/2020	<u>104</u>	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 05/13/2020)
05/14/2020	<u>105</u>	MEMORANDUM/BRIEF re 103 Evidentiary Hearing,,, <i>re the Government's compliance with this Court's Orders</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Attachments: # <u>1</u> Declaration of Juan Flores, # <u>2</u> Declaration of Adam Vohwinkel)(Khalil, Adam) (Entered: 05/14/2020)

05/14/2020	106	TRIAL BRIEF <i>re: Closing Argument</i> by Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Md. Abu Musa Bhuyan, Gamdur Narain, Ricardo Quintanilla-Mejia, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Moravec, Joseph) (Entered: 05/14/2020)
05/18/2020	107	TEXT ORDER: The respondents have released petitioner Eric C. Commissiong. See Docket Item 104 at 2 n.1. "Under Article III of the Constitution, when a case becomes moot, the federal courts lack subject matter jurisdiction over the action." <i>Leybinsky v. U.S. Immigration and Customs Enforcement</i> , 553 Fed. App'x 108, 109 (2d Cir. 2014) (summary order) (quoting <i>Doyle v. Midland Credit Mgmt., Inc.</i> , 722 F.3d 78, 80 (2d Cir. 2013)). "Under 28 U.S.C. § 2241, the habeas statute under which [Commissiong] challenged [his] detention, [courts] retain jurisdiction so long as the petitioner is 'in custody.'" <i>Pierrilus v. U.S. Immigration & Customs Enforcement</i> , 293 Fed. App'x 78, 79 (2d Cir. 2008) (summary order). Because Commissiong has been released from "ICE custody, [his] petition has been rendered moot divesting the Court of subject matter jurisdiction." <i>Diop v. Sessions</i> , 2019 WL 1894387, at *2 (S.D.N.Y. Mar. 20, 2019). Accordingly, Commissiong's petition is dismissed as moot, and the Clerk of Court shall terminate him as a party to this action. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 05/18/2020.(CEH) -CLERK TO FOLLOW UP- (Entered: 05/18/2020)
05/20/2020	108	STATUS REPORT <i>dated 5-20-20</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 05/20/2020)
05/20/2020	109	ORDER amending the preliminary injunction, <i>Jones</i> Docket Item 89 ; <i>Ramsundar</i> , Docket Item 27 . Signed by Hon. Lawrence J. Vilardo on 05/20/2020. Associated Cases: 1:20-cv-00361-LJV, 1:20-cv-00402-LJV(CEH) (Entered: 05/20/2020)
05/27/2020	110	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 05/27/2020)
05/27/2020	111	MEMORANDUM/BRIEF re 89 Decision and Order, Preliminary Injunction <i>re: Final Briefing on the Merits of Petitioners' Habeas Petition</i> by Dween Alfarel Blackman, Aldwin

		Brathwaite, Lyxon Chery, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Md. Abu Musa Bhuyan, Gamdur Narain, Ricardo Quintanilla-Mejia, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Moravec, Joseph) (Entered: 05/27/2020)
06/03/2020	<u>112</u>	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 06/03/2020)
06/03/2020	<u>113</u>	REPLY/RESPONSE to re <u>111</u> Memorandum/Brief,, <i>re: final habeas relief</i> filed by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 06/03/2020)
06/08/2020	<u>114</u>	REPLY/RESPONSE to re <u>113</u> Reply/Response, <u>111</u> Memorandum/Brief,, <i>Reply Brief re: Final Habeas Relief</i> filed by Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Md. Abu Musa Bhuyan, Gamdur Narain, Ricardo Quintanilla-Mejia, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Peng, John) (Entered: 06/08/2020)
06/09/2020	<u>115</u>	Letter filed <i>re decision of DDC in similar case</i> . (Attachments: # <u>1</u> June 2, 2020 decision of DDC in CGB)(Khalil, Adam) (Entered: 06/09/2020)
06/10/2020	<u>116</u>	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 06/10/2020)
06/15/2020	<u>117</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of EVIDENTIARY HEARING held on 5/13/2020, before Judge Hon. Lawrence J. Vilardo. Court Reporter/Transcriber Ann M. Sawyer, Contact Info Ann_Sawyer@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 7/6/2020. Redacted Transcript Deadline set for 7/16/2020. Release of Transcript Restriction set for 9/14/2020. (CGJ) (Entered: 06/15/2020)
06/17/2020	<u>118</u>	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 06/17/2020)

06/24/2020	<u>119</u>	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 06/24/2020)
07/01/2020	<u>120</u>	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 07/01/2020)
07/08/2020	<u>121</u>	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 07/08/2020)
07/09/2020	122	TEXT ORDER. Telephonic Status Conference set for 7/20/2020 at 9:30 AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. Dial-in instructions will be emailed directly to the parties. PLEASE NOTE: The proceeding described herein will be held remotely. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov , or by contacting Judge Vilardo's chambers at (716) 551-1621. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 7/9/2020. (CMD) (Entered: 07/09/2020)
07/15/2020	<u>123</u>	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 07/15/2020)
07/15/2020	<u>124</u>	Letter filed <i>re: Change in Lead Counsel</i> . (Moravec, Joseph) (Entered: 07/15/2020)
07/17/2020		TEXT ORDER: The status conference scheduled in these matters for 07/20/2020 is adjourned. The Court will reschedule the conference at a later date. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 07/17/2020. Associated Cases: 1:20-cv-00361-LJV, 1:20-cv-00402-LJV(CEH) (Entered: 07/17/2020)
07/21/2020	125	<u>Text Order</u> In lieu of a status conference, the parties shall update the Court on the following: (1) the current confinement status of each of the 27 original petitioners to these matters--detained (specify whether single-occupancy cell, double-occupancy cell, or dormitory setting), deported, or released; (2) whether--and with respect to each petitioner previously determined not to be a vulnerable individual--the CDC's revised guidelines affect any petitioner's eligibility for the social-distancing and other protective measures ordered in these matters, <i>see People Who Need to Take Extra Precautions</i>, Ctrs. for

		Disease Control and Prevention (June 25, 2020), https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html; <i>Older Adults</i>, Ctrs. for Disease Control and Prevention (June 25, 2020), https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html; <i>People of Any Age with Underlying Medical Conditions</i>, Ctrs. for Disease Control and Prevention (June 25, 2020), https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html; <i>Evidence used to update the list of underlying medical conditions that increase a persons risk of severe illness from COVID-19</i>, Ctrs. for Disease Control and Prevention (June 25, 2020), https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/evidence-table.html; Ctrs. for Disease Control and Prevention, Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities 16 (May 7, 2020), https://www.cdc.gov/coronavirus/2019-ncov/downloads/guidance-correctional-detention.pdf; and (3) whether the parties object to consolidating these two matters under <i>Jones</i>, No. 20-CV-361. The respondents shall provide these updates, in writing and attested to by a medical professional, no later than 08/04/2020. The petitioners shall respond no later than 08/18/2020. And the respondents shall reply no later than 08/25/2020. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 07/21/2020. Associated Cases: 1:20-cv-00361-LJV, 1:20-cv-00402-LJV(CEH) (Entered: 07/21/2020)
07/22/2020	126	STATUS REPORT <i>for July 22, 2020</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 07/22/2020)
07/27/2020	127	MOTION to Withdraw as Attorney by Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Md. Abu Musa Bhuyan, Gamdur Narain, Ricardo Quintanilla-Mejia, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Croswell Wilson. (Attachments: # 1 Declaration Declaration of Nicholas J. Phillips)(Phillips, Nicholas) (Entered: 07/27/2020)
07/27/2020	128	ORDER granting (127) Motion to Withdraw as Attorney. Attorney Nicholas John Phillips terminated in case 1:20-cv-00361-LJV; granting (42) Motion to Withdraw as Attorney. Attorney Nicholas

		John Phillips terminated in case 1:20-cv-00584-LJV. Signed by Hon. Lawrence J. Vilardo on 07/27/2020. Associated Cases: 1:20-cv-00584-LJV, 1:20-cv-00361-LJV(CEH) -CLERK TO FOLLOW UP- (Entered: 07/27/2020)
07/30/2020	129	STATUS REPORT <i>in lieu of conference re: confinement status and revised CDC guidelines</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Attachments: # 1 Declaration of Dr. Charbonneau)(Khalil, Adam) (Entered: 07/30/2020)
08/05/2020	130	STATUS REPORT <i>for August 5, 2020</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Coriell, David) (Entered: 08/05/2020)
08/12/2020	131	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 08/12/2020)
08/17/2020	132	REPLY/RESPONSE to re 129 Status Report filed by Jubril Adelakoun, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Eric C Commissiong, Danilo Concepcion, Philip Donga, Jonathan Espinal-Polanco, Bright Idada Falodun, Curry Wendell Forbes, Necati Harsit, Vernon Jones, Marckindal Jules, Juan Carlos Lainez Mejia, Md. Abu Musa Bhuyan, Gamdur Narain, Patrick Maduabuchi Nwankwo, Ricardo Quintanilla-Mejia, Shantadewie Rahmee, Oscar Salcedo, Ibrahima Sory Sow, Marvens Thomas, Crosswell Wilson. (Attachments: # 1 Exhibit Evid. in Supp.)(Peng, John) (Entered: 08/17/2020)
08/20/2020	133	STATUS REPORT <i>for August 19, 2020</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Attachments: # 1 letter re late filing)(Khalil, Adam) (Entered: 08/20/2020)
08/26/2020	134	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 08/26/2020)
08/31/2020	135	ORDER as to final injunctive relief. Signed by Hon. Lawrence J. Vilardo on 08/31/2020. Associated Cases: 1:20-cv-00361-LJV, 1:20-cv-00402-LJV, 1:20-cv-00584-LJV(CEH) -CLERK TO FOLLOW UP- (Entered: 08/31/2020)
08/31/2020		RE 135 Order - the Clerk of Court shall consolidate Jones, 20-cv-361, and Ramsundar, 20-cv-402, under case number 20-cv-361; close the case bearing number 20-cv-402; and docket all future submissions in these matters under case number 20-cv-361

		Associated Cases: 1:20-cv-00361-LJV, 1:20-cv-00402-LJV(TF) (Entered: 09/01/2020)
09/29/2020	<u>136</u>	STATUS REPORT by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 09/29/2020)
10/21/2020	<u>137</u>	STATUS REPORT <i>re: 1st positive COVID case in 183 days at BFDF</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 10/21/2020)
10/29/2020	<u>138</u>	STATUS REPORT <i>dated Oct 29 2020</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 10/29/2020)
11/25/2020	<u>139</u>	STATUS REPORT <i>for November 2020</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 11/25/2020)
11/30/2020	<u>140</u>	STATUS REPORT <i>re positive COVID test on 11-25-20 with no other exposure</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 11/30/2020)
11/30/2020	<u>141</u>	STATUS REPORT <i>re 2 additional positive tests</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 11/30/2020)
12/14/2020	<u>142</u>	Letter filed <i>re positive test of BFDF employee.</i> (Khalil, Adam) (Entered: 12/14/2020)
12/21/2020	<u>143</u>	Letter filed <i>re 12-21 positive detainee.</i> (Khalil, Adam) (Entered: 12/21/2020)
12/23/2020	<u>144</u>	STATUS REPORT <i>re conditions & COVID</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 12/23/2020)
01/08/2021	<u>145</u>	Letter filed <i>re positive test on 1-7-21.</i> (Khalil, Adam) (Entered: 01/08/2021)
01/18/2021	<u>146</u>	Letter filed <i>re 2 positive cases at BFDF.</i> (Khalil, Adam) (Entered: 01/18/2021)
01/22/2021	<u>147</u>	STATUS REPORT <i>for January 2021</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 01/22/2021)
02/11/2021	<u>148</u>	Letter filed <i>re 2-11 positive case.</i> (Khalil, Adam) (Entered: 02/11/2021)
02/16/2021	<u>149</u>	Letter filed <i>re additional positive COVID cases in B3 unit.</i> (Khalil, Adam) (Entered: 02/16/2021)

02/16/2021	<u>150</u>	MOTION to Schedule Status Conference re <u>149</u> Letter, <u>148</u> Letter by Shane Ramsundar, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Curry Wendell Forbes, Marckindal Jules, Md. Abu Musa Bhuyan, Ricardo Quintanilla-Mejia, Ibrahima Sory Sow.(Peng, John) (Entered: 02/16/2021)
02/17/2021	151	TEXT ORDER. Status Conference set for 2/17/2021 at 3:00 PM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov, or by contacting Judge Vilardo's chambers at (716) 551-1621. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 2/17/2021. (CMD) (Entered: 02/17/2021)
02/17/2021	152	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Status Conference held on 2/17/2021. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. AUSA Khalil provided update as to number of positive COVID-19 cases at Buffalo Federal Detention Center, and requested time to provide additional status update by 2/19/2021. Petitioners may respond by letter, or formal motion with the Court setting an expedited briefing schedule. Appearances by AT&T Teleconference: For petitioners: John H. Peng, Joseph D. Moravec, Robert F. Graziano, Grace E. Zaiman, and Shianna McLean. For respondent: AUSA Adam A. Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 02/19/2021)
02/19/2021	<u>153</u>	STATUS REPORT <i>following 2-17-21 Conf.</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 02/19/2021)
02/22/2021	<u>154</u>	STATUS REPORT <i>re additional 1 case in B-1 housing unit</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 02/22/2021)
02/22/2021	<u>155</u>	STATUS REPORT <i>for February 2021</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 02/22/2021)
02/22/2021	<u>156</u>	MOTION to Modify Permanent Injunction re <u>135</u> Order by Shane Ramsundar, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Curry Wendell Forbes, Marckindal Jules, Md. Abu Musa Bhuyan, Ricardo Quintanilla-

		Mejia, Ibrahima Sory Sow. (Attachments: # 1 Text of Proposed Order, # 2 Memorandum in Support, # 3 Exhibit 1. Decl. of Dr. Ada Rivera, Fraihat v. U.S. ICE)(Peng, John) (Entered: 02/22/2021)
02/22/2021	157	MOTION to Expedite <i>Petitioners' Motion to Modify Permanent Injunction</i> by Shane Ramsundar, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Curry Wendell Forbes, Marckindal Jules, Md. Abu Musa Bhuyan, Ricardo Quintanilla-Mejia, Ibrahima Sory Sow. (Attachments: # 1 Text of Proposed Order, # 2 Memorandum in Support)(Peng, John) (Entered: 02/22/2021)
02/23/2021	158	TEXT ORDER re 156 MOTION to Modify Permanent Injunction re 135 Order, and 157 MOTION to Expedite <i>Petitioners' Motion to Modify Permanent Injunction</i> filed by Shane Ramsundar, Curry Wendell Forbes, Danilo Concepcion, Ricardo Quintanilla-Mejia, Ibrahima Sory Sow, Dween Alfarel Blackman, Aldwin Brathwaite, Md. Abu Musa Bhuyan, Lyxon Chery, Marckindal Jules. Government's Response due by 5:00PM on 2/24/2021. Petitioners' Reply due by 9:00 AM on 2/25/2021. Oral Argument set for 2/25/2021 at 10:00 AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov , or by contacting Judge Vilardo's chambers at (716) 551-1621. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 2/23/2021. (CMD) (Entered: 02/23/2021)
02/24/2021	159	MEMORANDUM in Opposition re 156 MOTION to Modify Permanent Injunction re 135 Order filed by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Attachments: # 1 Declaration of Jeffrey Searls, # 2 Declaration of Kyle A. Hobart, # 3 Exhibit A - Holden Petition)(Khalil, Adam) (Entered: 02/24/2021)
02/25/2021	160	REPLY/RESPONSE to re 159 Memorandum in Opposition to Motion, <i>to Modify Permanent Injunction</i> filed by Shane Ramsundar, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Curry Wendell Forbes, Marckindal Jules, Md. Abu Musa Bhuyan, Ricardo Quintanilla-Mejia, Ibrahima Sory Sow. (Peng, John) (Entered: 02/25/2021)

02/25/2021	161	VACATED PER 222 TEXT ORDER - TEXT ORDER re: additional briefing. During today's oral argument, this Court directed the respondents to develop a plan for making the vaccine available to detainees who would otherwise qualify for vaccination. The petitioners were directed to submit further briefing on the issue of testing for employees--specifically, whether this Court has the authority to order testing, the logistics around the proposed plan, and why such a plan would meaningfully address the petitioners' concerns. Both parties shall file their submissions by 5:00pm on 03/03/2021. Further argument in scheduled for 03/04/2021 at 11:00AM. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 02/25/2021. (SAV) Modified on 5/20/2021 (TF). (Entered: 02/25/2021)
02/25/2021	162	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Oral Argument held on 2/25/2021. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Respondents shall provide the Court with a plan for making the vaccine available to detainees who would otherwise qualify for vaccination. The petitioners shall submit additional briefing on the issue of testing for employees-specifically, whether this Court has the authority to order testing, the logistics around the proposed plan, and why such a plan would meaningfully address the petitioners' concerns. Both parties shall file their submissions by 5:00pm on 3/3/2021. In addition, AUSA Khalil will file updates as number of positive cases at facility. Further argument in scheduled for 3/4/2021 at 11:00AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350. Appearances by AT&T Teleconference: For petitioners: John H. Peng, Joseph D. Moravec, Grace E. Zaiman, and Shianna McLean. For respondent: AUSA Adam A. Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 02/25/2021)
02/26/2021	163	Letter filed <i>re 2 positive cases upon re-test of SHU cohort</i> . (Khalil, Adam) (Entered: 02/26/2021)
03/01/2021	164	Letter filed <i>re 5 additional COVID cases</i> . (Khalil, Adam) (Entered: 03/01/2021)
03/02/2021	165	Letter filed <i>re identification of infected petitioner (no new COVID cases since Sunday)</i> . (Khalil, Adam) (Entered: 03/02/2021)
03/02/2021	166	Letter filed <i>re 1 positive case on 3-2-21</i> . (Khalil, Adam) (Entered: 03/02/2021)

03/03/2021	<u>167</u>	MEMORANDUM/BRIEF re 161 Text Order,, <i>re: the Testing of Employees at the Buffalo Federal Detention Facility</i> by Shane Ramsundar, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Curry Wendell Forbes, Marckindal Jules, Md. Abu Musa Bhuyan, Ricardo Quintanilla-Mejia, Ibrahima Sory Sow. (Attachments: # <u>1</u> Exhibit A. DHS, Drug-Free Workplace Program)(Peng, John) (Entered: 03/03/2021)
03/03/2021	<u>168</u>	MEMORANDUM/BRIEF re 161 Text Order,, <i>re plan to vaccinate BFDF detainees</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Attachments: # <u>1</u> Exhibit A - NYSDOH Guidance, # <u>2</u> Exhibit B - NYSDOH Appointment Availability, # <u>3</u> Exhibit C - Savino Brief)(Khalil, Adam) (Entered: 03/03/2021)
03/03/2021	<u>169</u>	Letter filed <i>no new cases; testing continues.</i> (Khalil, Adam) (Entered: 03/03/2021)
03/04/2021	<u>170</u>	Letter filed <i>re relevant decision from the USDC for the CD of CA.</i> (Khalil, Adam) (Entered: 03/04/2021)
03/04/2021	171	VACATED PER 222 TEXT ORDER <u>TEXT ORDER</u> During today's oral argument, the Court directed the petitioners, by Monday, 03/08/2021, to provide proposed solutions for making the vaccine available to eligible detainees. To facilitate this, the respondents shall provide petitioners with a list of detainees who qualify as vulnerable under CDC and New York State ("NYS") vaccination guidance. That list should include each detainee's: full name; date of birth; sex (male, female, non-binary, or prefer not to answer); comorbidity; COVID-19 history; as well as whether the person lives in NYS, their zip code of residency, and whether the person works in NYS. The list also should indicate whether each detainee consents to the following disclosure from the vaccine eligibility form on the New York vaccination appointment website: "NYS may disclose personal information without applicant consent if the collection or disclosure is: (1) necessary to perform the statutory duties of NYS, or necessary for NYS to operate a program authorized by law, or authorized by state or federal statute or regulation; (2) made pursuant to a court order or by law; (3) for the purpose of validating the identity of the applicant; or (4) of information to be used solely for statistical purposes that is in a form that cannot be used to identify any particular person."

		If this information is filed, it shall be filed under seal. This information shall be kept confidential. Its use is exclusively for making vaccine appointments and creating proposed solutions regarding vaccine access. The respondents, by Wednesday, 03/10/2021, at 5:00pm, shall respond to the petitioners' proposals, as well as to the petitioners' memorandum regarding testing of BFDF employees. Further argument is scheduled for 03/11/2021 at 11:30AM. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 03/04/2021. (SAV) Modified on 3/4/2021 (SAV). Modified on 5/20/2021 (TF). (Entered: 03/04/2021)
03/04/2021	172	Letter filed <i>re vaccine supply from NYS DOH</i> . (Khalil, Adam) (Entered: 03/04/2021)
03/04/2021	173	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Oral Argument held on 3/4/2021. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Petitioner's submission detailing proposed solutions for making vaccine available for eligible detainees is due 3/8/2021. Respondents to provide list of eligible detainees who qualify for vaccine under the CDC and New York State vaccination guidance. Respondents reply to petitioners' proposal and memorandum regarding testing of Buffalo Federal Detention Facility staff is due by 3/10/2021. Further argument is scheduled for 3/11/2021 at 11:30AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov, or by contacting Judge Vilardo's chambers at (716) 551-1621. Appearances by AT&T Teleconference. For petitioners: John H. Peng, Joseph D. Moravec, Grace E. Zaiman, and Shianna McLean. For respondent: AUSA Adam A. Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 03/05/2021)
03/05/2021	174	STATUS REPORT <i>re no new cases, 20-25 coming off quarantine</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 03/05/2021)
03/08/2021	175	MOTION for Reconsideration re 171 Text Order,,,,,, for reconsideration or relief pursuant to Fed R Civ Pro 60(b) by

		Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Attachments: # 1 Declaration of Carlos Quinones, M.D., # 2 Declaration of Jeffrey Searls, # 3 Memorandum in Support)(Khalil, Adam) (Entered: 03/08/2021)
03/08/2021	176	RESPONSE in Opposition re 175 MOTION for Reconsideration re 171 Text Order,,,,,, <i>for reconsideration or relief pursuant to Fed R Civ Pro 60(b)</i> filed by Shane Ramsundar, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Curry Wendell Forbes, Marckindal Jules, Md. Abu Musa Bhuyan, Ricardo Quintanilla-Mejia, Ibrahima Sory Sow. (Peng, John) (Entered: 03/08/2021)
03/08/2021	177	MEMORANDUM/BRIEF re 171 Text Order,,,,,, <i>re Potential Vaccination Plans for Vulnerable Detainees at the Buffalo Federal Detention Facility</i> by Shane Ramsundar, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Curry Wendell Forbes, Marckindal Jules, Md. Abu Musa Bhuyan, Ricardo Quintanilla-Mejia, Ibrahima Sory Sow. (Attachments: # 1 Declaration Decl. of John Peng)(Peng, John) (Entered: 03/08/2021)
03/09/2021	178	REPLY/RESPONSE to re 175 MOTION for Reconsideration re 171 Text Order,,,,,, <i>for reconsideration or relief pursuant to Fed R Civ Pro 60(b)</i> filed by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 03/09/2021)
03/10/2021	179	Letter filed <i>re 12 new positive cases at BFDF</i> . (Khalil, Adam) (Entered: 03/10/2021)
03/10/2021	180	MEMORANDUM in Opposition re 156 MOTION to Modify Permanent Injunction re 135 Order <i>opposing Petitioners' proposed plans for vaccinating detainees</i> filed by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 03/10/2021)
03/10/2021	181	MEMORANDUM in Opposition re 156 MOTION to Modify Permanent Injunction re 135 Order <i>in opposition to employee testing</i> filed by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 03/10/2021)
03/11/2021	182	VACATED PER 222 TEXT ORDER <u>TEXT ORDER</u>

		The respondents shall update the Court by 9:00am next Thursday, 03/18/2021, regarding the potential distribution of COVID-19 vaccines to the Buffalo Federal Detention Facility. In the meantime, the respondents shall continue to obtain, and provide to counsel for the petitioners, the information necessary to sign up eligible detainees for vaccination appointments through New York State. Specifically, they shall attempt to obtain the consent of eligible detainees as to the New York State privacy disclosure required to make a vaccine appointment and the medical consent required to receive the vaccine. The respondents also shall determine which detainees have the identification and/or alternative documentation necessary for a vaccine appointment. The respondents shall provide this information to counsel for the petitioners as it is obtained and at least every other business day. To the extent that a vulnerable detainee has questions about the required consent and/or does not have the necessary identification, the respondents shall coordinate private phone calls between the detainee(s) and counsel. As the respondents have offered to do, they shall provide "translation services," Docket Item 178 at 5, and any such phone calls shall be made using "a clean, sanitized phone for use in cohorted dormitories... [and] a phone bank" for detainees "in dorms that were not exposed," <i>see</i> Docket Item [175-2] at 2. A status conference is scheduled for next Thursday, 03/18/2021, at 9:30am. If the respondents have not received confirmation about vaccine distribution, the Court will set an expedited briefing schedule for proposals and further argument if necessary. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 03/11/2021. (SAV). Modified on 5/20/2021 (TF). (Entered: 03/11/2021)
03/11/2021	183	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Oral Argument held on 3/11/2021. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Court reviewed all submissions, and specifically addressed the Buffalo Federal Detention Facility (BFDF) physician's discussions with New York State officials. AUSA Khalil stated there have been ongoing discussions with New York State Department of Health (NYS DOH) to discuss vaccine supply and confirm BFDF's ability to administer the vaccine including cold storage, and transportation of the vaccine. Court detailed on the record two tracks for this case to proceed: (1) See if NYS DOH will provide

		BFDF with vaccines, and (2) proceed with obtaining consents including personal information from eligible detainees, make appointments outside of the facility along with a conditional order directing detainees released if vaccination is not administered by a certain date. Attorney Peng addressed an additional option of a FEMA Mobile Vaccination site being set up. Court directed AUSA Khalil to research whether FEMA has an independent vaccination supply. Court heard oral argument from parties on issue of testing Buffalo Federal Detention Facility (BFDF) staff. Court reserved decision. Oral argument scheduled for 3/18/2021 at 9:30AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov, or by contacting Judge Vilardo's chambers at (716) 551-1621. AUSA Khalil will submit a proposed Protective Order to the Court. Appearances by AT&T Teleconference. For petitioners: John H. Peng, Joseph D. Moravec, Grace E. Zaiman, Shianna McLean, and Robert Graziano. For respondent: AUSA Adam A. Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 03/11/2021)
03/11/2021	184	Letter filed <i>re FEMA lack of vaccine supply</i>. (Khalil, Adam) (Entered: 03/11/2021)
03/15/2021	185	Letter filed <i>re 2 new positive cases in B-1</i>. (Khalil, Adam) (Entered: 03/15/2021)
03/17/2021	186	Letter filed <i>re questions by Court as to FEMA vaccine supply; CDC vaccine supply; BOP vaccine source</i>. (Khalil, Adam) (Entered: 03/17/2021)
03/17/2021	187	Proposed Pretrial Order [<i>proposed protective order</i>] by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 03/17/2021)
03/17/2021	188	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Oral Argument 2/25/21 before Judge Lawrence J. Vilardo. Court Reporter/Transcriber Ann M. Sawyer, Ann_Sawyer@nywd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/7/2021. Redacted Transcript Deadline set

		for 4/19/2021. Release of Transcript Restriction set for 6/15/2021. (AS) (Entered: 03/17/2021)
03/18/2021	189	Letter filed <i>re lack of communication from NYSDOH</i> . (Khalil, Adam) (Entered: 03/18/2021)
03/18/2021	190	VACATED PER 222 TEXT ORDER <u>TEXT ORDER</u> Counsel for the petitioners shall make a good-faith effort to schedule COVID-19 vaccine appointments for all interested and eligible detainees within the geographic limits of the Western District of New York. If insufficient appointments are available by 03/29/2021, counsel for petitioners may schedule vaccine appointments anywhere within the state of New York. The respondents may monitor petitioners' efforts. Once vaccine appointments are secured, the respondents shall transport the detainees to and from their scheduled vaccine appointments, including a second vaccine appointment if applicable. Nothing in this order prohibits the respondents from continuing their efforts to secure a supply of vaccines to administer at the Buffalo Federal Detention Facility. If they are successful and obtain vaccines during the pendency of this order, the respondents may request relief from the requirements of this order by letter to the Court with notice to the petitioners. A status conference is scheduled for Monday, 03/29/2021, at 10:00am by AT&T teleconference. SO ORDRED. Issued by Hon. Lawrence J. Vilardo on 03/18/2021. (SAV) Modified on 5/20/2021 (TF). (Entered: 03/18/2021)
03/18/2021	191	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Oral Argument held on 3/18/2021. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Court reviewed Respondents' submissions, and heard from parties. Court directed Petitioners to make a good-faith effort to schedule COVID-19 vaccine appointments for all interested and eligible detainees within the geographic limits of the Western District of New York. If insufficient appointments are available by 3/29/2021, counsel for petitioners may schedule vaccine appointments anywhere within the state of New York. The respondents may monitor petitioners' efforts. Court will sign the protective order submitted by Respondents. Status Conference set for 3/29/2021 at 10:00 AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the

		parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov, or by contacting Judge Vilardo's chambers at (716) 551-1621. Appearances by AT&T Teleconference. For petitioners: John H. Peng, Joseph D. Moravec, and Shianna McLean. For respondent: AUSA Adam A. Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 03/18/2021)
03/18/2021	192	PROTECTIVE ORDER re: vaccine appointment information. This Order prohibits the disclosure of vaccine appointment details--including the date, time or location--to any person other than as provided in the attached order. Issued by Hon. Lawrence J. Vilardo on 03/18/2021. (SAV) (Entered: 03/18/2021)
03/23/2021	193	STATUS REPORT <i>for March 2021 (9 detainees vaccinated)</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 03/23/2021)
03/26/2021	194	STATUS REPORT <i>re vaccination of 9 detainees & supply from NYS DOH to BFDF</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 03/26/2021)
03/29/2021	195	TEXT ORDER rescheduling today's status conference. In light of the respondents' update regarding a supply of vaccines to the Buffalo Federal Detention Facility, <i>see</i> Docket Item 194 , the respondents' request for an adjournment is GRANTED. Today's status conference is rescheduled to 03/31/2021 at 9:00 AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions have been emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov, or by contacting Judge Vilardo's chambers at (716) 551-1621. Issued by Hon. Lawrence J. Vilardo on 03/29/2021. (SAV) (Entered: 03/29/2021)
03/31/2021	196	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Status Conference held on 3/31/2021. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Court reviewed Respondents' updated submissions and heard from parties. Respondents' provide report on progress of scheduling COVID-19 vaccine appointments for all interested and eligible detainees within the geographic limits of the Western District of New York including the number of vaccines that have now been

		administered and the location where they were administered as well as the number of vaccines scheduled to be delivered to the facility in the next 1 to 2 weeks. Counsel for Petitioners' agree with these representations. Further Status Conference to monitor the progress of vaccine appointments and distribution set for 4/9/2021 at 9:00 AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov, or by contacting Judge Vilardo's chambers at (716) 551-1621. Appearances by AT&T Teleconference. For petitioners: John H. Peng, Grace Zaiman, Joseph D. Moravec, and Siana McLean. For respondent: AUSA Adam A. Khalil. (Court Reporter Ann Sawyer.) (JDK) (Entered: 03/31/2021)
04/09/2021	197	VACATED PER 222 TEXT ORDER <u>TEXT ORDER RE: CONTINUED VACCINE APPOINTMENTS FOR DETAINEES</u> On March 26, 2021, the respondents informed the Court that the New York State Department of Health ("NYSDOH") would be providing the Buffalo Federal Detention Facility ("BFDF") with a supply of vaccines. See Docket Item 194 . To date, however, the BFDF has yet to receive a supply of vaccines and the NYSDOH has not provided a date certain for when vaccines will arrive. Therefore, IT IS ORDERED that respondents shall make and confirm the second-dose appointments for all detainees who were given a first dose and shall transport those detainees to their second appointments; and it is further ORDERED that counsel for the petitioners shall continue to schedule COVID-19 vaccine appointments for all interested and eligible detainees within the geographic limits of the Western District of New York; and it is further ORDERED that once vaccine appointments are made, the respondents shall transport the detainees to and from their scheduled vaccine appointments, including a second vaccine appointment if applicable; and it is further

		ORDERED that if the BFDF obtains vaccines, the above shall not apply and detainees shall be vaccinated on site. A status conference is scheduled for Tuesday, 04/13/2021, at 11:30am by AT&T teleconference. SO ORDRED. Issued by Hon. Lawrence J. Vilardo on 04/09/2021. (SAV) Modified on 4/9/2021 (SAV). Modified on 5/20/2021 (TF). (Entered: 04/09/2021)
04/09/2021	198	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Status Conference held on 4/9/2021. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. AUSA Khalil reported ICE completed application process, and electronic account is setup. ICE is ready to begin administrating vaccinations, and requested a date certain to receive vaccines from New York State Department of Health (NYSDOH), but no response has received yet. Court ordered respondents to make second-dose appointments for detainees who were given first dose of vaccine. Petitioners' counsel shall continue to schedule vaccination appointments for all CDC eligible detainees, unless Buffalo Federal Detention Facility (BFDF) receives vaccinations to administer directly on site. According to respondents, NYSDOH previously indicated they would deliver eight Pfizer second dose vaccines, and 85 Johnson & Johnson doses for all eligible BFDF detainees. Parties agree issue regarding testing of BFDF employees will be addressed by Court after vaccination issue resolved. Status Conference set for 4/13/2021 at 11:30 AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov, or by contacting Judge Vilardo's chambers at (716) 551-1621. Appearances by AT&T Teleconference: For petitioners: John H. Peng and Joseph D. Moravec. For respondents: AUSA Adam A. Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 04/09/2021)
04/09/2021	199	Letter filed <i>re receipt of 100 J&J vaccine doses, in hand.</i> (Khalil, Adam) (Entered: 04/09/2021)
04/13/2021	200	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Status Conference held on 4/13/2021. Court ordered that

		this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Court addressed issue regarding J&J Vaccines. AUSA Khalil reported that 50 shots have been administered, and is waiting for list of the individuals who received it, and will cross-reference it with list of eligible detainees. Second dose of Pfizer has been received and will be administered today. AUSA Khalil will submit status update as to individuals vaccinated, and progress of obtaining other vaccines to vaccinate everyone. Further Status Conference set for 4/16/2021 at 1:00 PM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov, or by contacting Judge Vilardo's chambers at (716) 551-1621. Appearances by AT&T Teleconference: For petitioners: John H. Peng and Joseph D. Moravec. For respondents: AUSA Adam A. Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 04/13/2021)
04/14/2021	201	TEXT ORDER. TIME CHANGE ONLY. The time for the Status Conference set for 4/16/2021 is rescheduled 11:15 AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov, or by contacting Judge Vilardo's chambers at (716) 551-1621. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 4/14/2021. (CMD) (Entered: 04/14/2021)
04/14/2021	202	Letter filed <i>re all vulnerable detainees vaccinated</i>. (Khalil, Adam) (Entered: 04/14/2021)
04/16/2021	203	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Status Conference held on 4/16/2021. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Court acknowledged receipt of respondent's letter detailing eligible detainees who received the vaccinations, and addressed the request for the Court to vacate it's prior orders. Following discussion, AUSA Khalil will file stipulation(s), or motions on consent on issues discussed. If not on consent, Court will issue a briefing schedule. Attorney Peng agreed to respondent's request to lift the

		instant reporting requirement of the injunction, and to return to the 30-day notice. Appearances by AT&T Teleconference: For petitioners: John H. Peng and Joseph D. Moravec. For respondents: AUSA Adam A. Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 04/16/2021)
04/20/2021	204	STIPULATION <i>by parties to lift 30-day reporting requirement, to be so-ordered</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 04/20/2021)
04/20/2021	205	Letter filed <i>re 1 supervisory staff member testing positive for COVID</i> . (Khalil, Adam) (Entered: 04/20/2021)
04/21/2021	206	TEXT ORDER re: 204 STIPULATION <i>by parties to lift 30-day reporting requirement</i> is HEREBY SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 04/21/2021. (SAV) (Entered: 04/21/2021)
04/22/2021	207	Letter filed <i>re 1 facilities staff member tested positive</i> . (Khalil, Adam) (Entered: 04/22/2021)
04/23/2021	208	Letter filed <i>re 1 additional employee testing positive</i> . (Khalil, Adam) (Entered: 04/23/2021)
04/27/2021	209	MOTION to Vacate by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Attachments: # 1 Declaration of Jeffrey Searls, # 2 Memorandum in Support)(Khalil, Adam) (Entered: 04/27/2021)
04/28/2021	210	TEXT ORDER re 209 MOTION to Vacate filed by Chad Wolf, Thomas E. Feeley, Jeffrey Searls. Response due by 5/12/2021. Reply due by 5/19/2021. If necessary, oral argument will be scheduled later. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 4/28/2021. (CMD) (Entered: 04/28/2021)
04/29/2021	211	Letter filed <i>re 1 transport officer testing positive</i> . (Khalil, Adam) (Entered: 04/29/2021)
05/03/2021	212	Letter filed <i>re vaccination of all consenting detainees</i> . (Khalil, Adam) (Entered: 05/03/2021)
05/06/2021	213	Letter filed <i>re 1 positive and Forbes release</i> . (Khalil, Adam) (Entered: 05/06/2021)
05/07/2021	214	TEXT ORDER: The respondents have released Curry Wendell Forbes, a petitioner to this action. <i>See</i> Docket Item 213 . "Under Article III of the Constitution, when a case becomes moot, the

		federal courts lack subject matter jurisdiction over the action." <i>Leybinsky v. U.S. Immigration and Customs Enforcement</i>, 553 F. App'x 108, 109 (2d Cir. 2014) (summary order) (quoting <i>Doyle v. Midland Credit Mgmt., Inc.</i>, 722 F.3d 78, 80 (2d Cir. 2013)). "Under 28 U.S.C. § 2241, the habeas statute under which [the] petitioner challenged his detention, [courts] retain jurisdiction so long as the petitioner is 'in custody.'" <i>Pierrilus v. U.S. Immigration & Customs Enforcement</i>, 293 F. App'x 78, 79 (2d Cir. 2008) (summary order). Because Forbes has been released from ICE custody, his claims "have been rendered moot divesting the Court of subject matter jurisdiction." <i>Diop v. Sessions</i>, 2019 WL 1894387, at *2 (S.D.N.Y. Mar. 20, 2019). Accordingly, Forbes's claims are dismissed as moot and the Clerk of Court shall terminate him as a party to this action. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 05/07/2021. (SAV) -CLERK TO FOLLOW UP- (Entered: 05/07/2021)
05/11/2021	215	MOTION for Extension of Time to File <i>notice of appeal</i> by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Attachments: # 1 Declaration of AUSA Khalil)(Khalil, Adam) (Entered: 05/11/2021)
05/12/2021	216	TEXT ORDER granting 215 MOTION for Extension of Time to File <i>notice of appeal</i>. The respondents' have until June 16, 2021, to file a notice of appeal. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 05/12/2021. (SAV) (Entered: 05/12/2021)
05/12/2021	217	MOTION for Extension of Time to File Response/Reply as to 210 Text Order,, Set Deadlines, by Shane Ramsundar, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Marckindal Jules, Md. Abu Musa Bhuyan, Ricardo Quintanilla-Mejia, Ibrahima Sory Sow. (Attachments: # 1 Declaration of John Peng, # 2 Text of Proposed Order)(Peng, John) (Entered: 05/12/2021)
05/12/2021	218	TEXT ORDER granting 217 MOTION for Extension of Time to File Response/Reply. The petitioners shall have until May 17, 2021, to file a response to the respondents' motion to vacate prior orders, Docket Item 209 . The respondents shall have until May 24, 2021, to file any further reply. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 05/12/2021. (SAV) (Entered: 05/12/2021)
05/13/2021	219	Letter filed <i>re 1 positive officer on 5-11-21</i>. (Khalil, Adam) (Entered: 05/13/2021)

05/17/2021	<u>220</u>	STIPULATION re <u>209</u> MOTION to Vacate <i>Re: Covid-19 Vaccine Procurement and Administration</i> by Shane Ramsundar, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Marckindal Jules, Md. Abu Musa Bhuyan, Ricardo Quintanilla-Mejia, Ibrahima Sory Sow. (Peng, John) (Entered: 05/17/2021)
05/17/2021	<u>221</u>	RESPONSE to Motion re <u>209</u> MOTION to Vacate <i>Re: Testing of Buffalo Federal Detention Facility Employees</i> filed by Shane Ramsundar, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Marckindal Jules, Md. Abu Musa Bhuyan, Ricardo Quintanilla-Mejia, Ibrahima Sory Sow. (Peng, John) (Entered: 05/17/2021)
05/19/2021	222	TEXT ORDER re: <u>220</u> STIPULATION re <u>209</u> MOTION to Vacate is HEREBY SO ORDERED. The petitioners' request to procure and provide vaccines to the petitioners is DISMISSED; this Court's text orders, Docket Items 161, 171, 182, 190, and 197, are VACATED; the respondents shall make good-faith efforts to continue procuring and distributing vaccines to newly arriving detainees; and the respondents also shall permit detainees to obtain a vaccine even after initial refusal. See Docket Item <u>220</u> at 3. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 05/19/2021. (SAV) -CLERK TO FOLLOW UP- (Entered: 05/19/2021)
05/24/2021	<u>223</u>	REPLY/RESPONSE to re <u>221</u> Response to Motion, filed by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 05/24/2021)
05/27/2021	<u>224</u>	Letter filed <i>re 1 employee testing positive</i> . (Khalil, Adam) (Entered: 05/27/2021)
06/09/2021	<u>225</u>	Letter filed <i>re 2 transferred detainees in quarantine with positive tests</i> . (Khalil, Adam) (Entered: 06/09/2021)
06/11/2021	<u>226</u>	Letter filed <i>re 6 additional cases within transfer cohort</i> . (Khalil, Adam) (Entered: 06/11/2021)
06/14/2021	<u>227</u>	Letter filed <i>re 3 additional transferees testing positive</i> . (Khalil, Adam) (Entered: 06/14/2021)
06/28/2021	<u>228</u>	Letter filed <i>re end of quarantine; no active COVID cases at BFDF</i> . (Khalil, Adam) (Entered: 06/28/2021)

07/12/2021	229	Letter filed <i>re 3 transferees testing positive</i> . (Khalil, Adam) (Entered: 07/12/2021)
08/18/2021	230	<u>TEXT ORDER</u> On 2/22/2021, the petitioners filed a motion to modify this Court's permanent injunction, seeking an order that would require the respondents to "take immediate steps to procure and offer the [COVID-19] vaccination to [the p]etitioners" and "ensure [that] all staff coming in and out of the [Buffalo Federal Detention Facility] receive regular COVID-19 testing." Docket Item 156 -2 at 2. The respondents opposed the motion on 2/24/2021, Docket Item 159 , and the petitioners replied the following day, Docket Item 160 . After the respondents vaccinated all consenting vulnerable detainees and agreed to make good-faith efforts to continue vaccinating incoming detainees and allow detainees to be vaccinated if they changed their minds after initial refusal, <i>see</i> Docket Items 202 , 220 , 222 , this Court dismissed the petitioners' request to procure and provide vaccinations, Docket Item 222 . The parties submitted additional briefing on the petitioners' remaining request for employee testing, <i>see</i> Docket Items 167 , 181 , and the respondents have subsequently moved to dismiss the petitioners' request, <i>see</i> Docket Items 209 , 221 , 223 . On 7/29/2021, President Biden announced that federal employees and onsite contractors must either attest to their vaccination status or undergo regular COVID-19 testing. <i>See Fact Sheet</i>, White House (July 29, 2021), https://www.whitehouse.gov/briefing-room/statements-releases/2021/07/29/fact-sheet-president-biden-to-announce-new-actions-to-get-more-americans-vaccinated-and-slow-the-spread-of-the-delta-variant/. The parties shall accordingly file a memorandum no later than 8/27/2021, addressing whether, and if so how, these requirements affect the petitioners' remaining request for employee testing in their motion to modify the permanent injunction. SO ORDERED. Issued by Hon. Lawrence J. Vilaro on 8/18/2021. (WMH) (Entered: 08/18/2021)
08/23/2021	231	Letter filed <i>re two positive incoming detainees in quarantine unit</i> . (Khalil, Adam) (Entered: 08/23/2021)
08/26/2021	232	MEMORANDUM in Opposition re 156 MOTION to Modify Permanent Injunction re 135 Order <i>supplementing briefing in</i>

		<i>light of President Biden's COVID-19 directive (July 29, 2021) filed by Thomas E. Feeley, Jeffrey Searls, Chad Wolf. (Khalil, Adam) (Entered: 08/26/2021)</i>
08/26/2021	233	MOTION for Extension of Time to File Response/Reply as to 230 Text Order,,,,,, by Shane Ramsundar, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Marckindal Jules, Md. Abu Musa Bhuyan, Ricardo Quintanilla-Mejia, Ibrahima Sory Sow. (Attachments: # 1 Text of Proposed Order)(Peng, John) (Entered: 08/26/2021)
08/26/2021	234	TEXT ORDER granting the petitioners' motion for an extension of time, Docket Item 233 . The petitioners shall file a memorandum addressing the Court's 8/18/2021 text order, Docket Item 230, by 9/3/2021. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 8/26/2021.(WMH) (Entered: 08/26/2021)
08/30/2021	235	Letter filed <i>re 1 additional positive COVID test.</i> (Khalil, Adam) (Entered: 08/30/2021)
08/30/2021	236	Letter filed <i>re 2 additional positive tests on 8-30-21.</i> (Khalil, Adam) (Entered: 08/30/2021)
09/02/2021	237	Letter filed <i>re 1 additional positive COVID test.</i> (Khalil, Adam) (Entered: 09/02/2021)
09/03/2021	238	MEMORANDUM in Support re 156 MOTION to Modify Permanent Injunction re 135 Order filed by Shane Ramsundar, Dween Alfarel Blackman, Aldwin Brathwaite, Lyxon Chery, Danilo Concepcion, Marckindal Jules, Md. Abu Musa Bhuyan, Ricardo Quintanilla-Mejia, Ibrahima Sory Sow. (Peng, John) (Entered: 09/03/2021)
09/08/2021	239	Letter filed <i>re vaccination efforts at BFDF.</i> (Khalil, Adam) (Entered: 09/08/2021)
09/08/2021	240	TEXT ORDER. Status Conference set for 9/8/2021 at 11:30 AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov , or by contacting Judge Vilardo's chambers at (716) 551-1621. SO ORDERED. Issued by Hon. Lawrence J. Vilardo on 9/8/2021. (CMD) (Entered: 09/08/2021)

09/08/2021	241	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Status Conference held on 9/8/2021. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. AUSA Khalil updated Court as to process being implemented. Attorney Peng has one or two issues, which he has discussed with AUSA Khalil. Further Status Conference set for 9/24/2021 at 10:00 AM in U.S. Courthouse, 2 Niagara Square, Buffalo, NY 14202-3350 before Hon. Lawrence J. Vilardo. PLEASE NOTE: The proceeding described herein will be held remotely. Dial-in instructions will be emailed directly to the parties. Public access to the proceeding can be obtained by viewing Judge Vilardo's calendar on the public website at www.nywd.uscourts.gov , or by contacting Judge Vilardo's chambers at (716) 551-1621. AUSA Khalil will file a status letter if matter resolves prior to next appearance. Appearances by AT&T Teleconference. For petitioners: John J. Peng and Joseph D. Moravec. For respondents: AUSA Adam Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 09/08/2021)
09/13/2021	242	Letter filed <i>re positive employee</i> . (Khalil, Adam) (Entered: 09/13/2021)
09/15/2021	243	Letter filed <i>re officer testing positive</i> . (Khalil, Adam) (Entered: 09/15/2021)
09/20/2021	244	Letter filed <i>re DHS guidance for vaccination status</i> . (Khalil, Adam) (Entered: 09/20/2021)
09/24/2021	245	Minute Entry for proceedings held before Hon. Lawrence J. Vilardo: Status Conference held on 9/24/2021. Court ordered that this proceeding is not to be recorded, or taped in any way. If someone does record it, they will be found in contempt of court. Court received AUSA Khalil's submission. Attorney Peng satisfied with submission, and requests status update regarding vaccination of employees following 11/21/2021 deadline. AUSA Khalil's Status Report due by 12/1/2021. Attorney Peng's response including consent for complaint to be deemed moot is due by 12/8/2021. Appearances by AT&T Teleconference. For petitioners: John J. Peng. For respondents: AUSA Adam Khalil. (Court Reporter Ann M. Sawyer.) (CMD) (Entered: 09/24/2021)
09/29/2021	246	Letter filed <i>re positive detainee from SHU</i> . (Khalil, Adam) (Entered: 09/29/2021)
09/29/2021	247	Letter filed <i>re: additional positive test at BFDF</i> . (Khalil, Adam) (Entered: 09/29/2021)

10/05/2021	248	Letter filed <i>re 2nd detainee having false positive test.</i> (Khalil, Adam) (Entered: 10/05/2021)
10/07/2021	249	Letter filed <i>re positive transferee from NYSDOCCS.</i> (Khalil, Adam) (Entered: 10/07/2021)

PACER Service Center

Transaction Receipt

10/10/2021 11:34:45

PACER Login:	CRCClearinghouse:2563377:0	Client Code:	Kierum
Description:	Docket Report	Search Criteria:	1:20-cv-00361-LJV
Billable Pages:	30	Cost:	3.00