

February 9, 2026

VIA ACMS

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

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

Dear Ms. Wolfe,

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

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

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

Respectfully,

/s/Monica H. Allard

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