



U.S. Department of Justice

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February 16, 2021

Honorable Lawrence J. Vilardo
United States District Court
Western District of New York
2 Niagara Square
Buffalo, NY 14202-3350

**Re: Jones, et al. v. Wolf, et al.
20-CV-00361 LJV**

Dear Judge Vilardo:

Please allow this letter to serve as an update to this Office's correspondence dated February 11, 2021. As discussed in that letter, one individual from the B3 dormitory unit had tested positive for COVID-19.

On Monday, February 15, 2021, a second individual reported symptoms consistent with the COVID-19 virus. As a result, the entire B3 unit population was re-tested using the rapid tests available at the BFDF. Twelve of the 26 detainees in that housing unit returned positive results. One detainee has symptoms including chills, body aches, and sore throat, but no fever or cough. The other 11 detainees have no symptoms. All 26 individuals were also tested using the standard testing mechanism, but those test results remain outstanding. The B3 housing unit remains in quarantine. No cases of COVID-19 have been identified outside of the B3 housing unit.

As mentioned previously, the initial detainee who tested positive on February 9, 2021, only left the B3 unit to attend immigration court, with all social distancing and COVID-19 safety protocols in place. Another detainee from the B3 unit left the BFDF on February 3, 2021, and was taken to the Erie County Medical Center for a medical appointment. Both of these events occurred before the 2-3 days that experts generally believe elapse between the time of infection and the time of symptoms appearing. No other detainees in the B3 unit have been outside of the BFDF this month. No staff member at the BFDF who has had contact with any of the detainees in the B3 unit has tested positive for the COVID-19 virus. The BFDF is unaware of any immigration court personnel who have tested positive. It is unclear how this infection arose in the B3 unit at present. All staff continue to wear masks at all times while in the facility; masks remain available to all detainees. All requirements set forth by this Court are being adhered to.

This is the first instance of interfacility transmission of the COVID-19 virus since April 20, 2020. This Office will provide a further update should testing reveal any additional infection of the 14 currently uninfected detainees. Given the highly contagious nature of the virus, this Office anticipates that some, if not all, of the uninfected detainees in the B3 unit will return positive test results. As mentioned above, there is no infection spread outside of the B3 unit, including to any staff members. The B3 unit will remain in quarantine in accordance with CDC guidelines. Unless this Court orders otherwise, Respondents plan to continue reporting at 30-day intervals, with the next report to be submitted on or before February 22, 2021.

Very truly yours,

JAMES P. KENNEDY, JR.
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BY: /s/ Adam A. Khalil
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Cc via ECF:

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