



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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June 17, 2025

By ECF

The Honorable George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Valdez v. Joyce*, No. 25-cv-4627 (GBD)

Dear Judge Daniels:

This Office represents the government in the above-referenced habeas corpus action. I write respectfully to advise the Court of a decision issued this afternoon in another habeas corpus action that is relevant to the detention claim in this matter.

In *Capunay Guzman v. Joyce*, the petitioner was also detained pursuant to 8 U.S.C. § 1226(a), having been arrested by ICE on June 3, 2025, after his immigration court hearing. The Court denied the petition without prejudice, holding that the petitioner failed to exhaust his administrative remedies. *See Capunay Guzman v. Joyce*, No. 25 Civ. 4777 (RA) (S.D.N.Y. June 17, 2025) (copy of decision attached). With respect to the petitioner's challenges to his removal proceedings, the Court noted that ICE's motion to dismiss was still pending before the immigration judge, and even if it were granted, the petitioner had administrative remedies he could pursue at the Board of Immigration Appeals. Similarly, with respect to the petitioner's challenge to his detention, that too was unexhausted, as he had not sought a custody redetermination hearing with the immigration judge. The Court held that no exception to the exhaustion requirement excused the petitioner's failure to exhaust his administrative remedies.

The facts of this case and of *Capunay Guzman* are materially indistinguishable. Here, as in *Capunay Guzman*, the immigration judge has not yet ruled on ICE's motion to dismiss, and the petitioner has administrative remedies available to him. Similarly, the petitioner is also currently detained pursuant to 8 U.S.C. § 1226(a)—despite petitioner's belief to the contrary—having been detained by ICE a little more than two weeks ago, and he has not yet sought a custody redetermination hearing before an immigration judge. Thus, the Court should dismiss the petition for failure to exhaust administrative remedies, as the courts in *Capunay Guzman* and *Castillo Lachapel* have done.

I thank the Court for its consideration of this submission.

Respectfully submitted,

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cc: Counsel of Record (by ECF)