

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NARESH KUMAR,	:	
	:	CIVIL ACTION
<i>Petitioner,</i>	:	
	:	
v.	:	NO. 25-cv-6238
	:	
BRIAN MCSHANE, et al.,	:	
	:	
<i>Respondents.</i>	:	

RESPONDENTS’ STATEMENT RESPONDING TO COURT’S ECF 18 ORDER

Following Petitioner Kumar’s January 20, 2026 subsequent bond hearing at the Moshannon Valley Processing Center in the Western District of Pennsylvania, this Court (on January 23) ordered Respondents, by January 25, to return him to the Federal Detention Center (FDC) in Philadelphia, Pennsylvania. *See* ECF 18 (Order). Accordingly, Respondents returned Mr. Kumar to the FDC on Saturday, January 24. The Court further ordered Respondents by today (January 27) to explain “why Petitioner’s February 2, 2026 removal proceedings cannot take place within Philadelphia[.]” *Id.*

As Respondents stated in the parties’ January 22 “Joint Update to the Court,” Mr. Kumar has the February 2 virtual/remote immigration-court hearing scheduled on the merits of his application for relief from removal. *See* ECF 17 (Joint Update), ¶¶ 5-7. The Elizabeth, New Jersey-based Executive Office of Immigration Review (EOIR) is the immigration court with administrative control over Mr. Kumar’s removal proceedings (over which this Court does not have jurisdiction). *Id.* If Mr. Kumar remains at FDC-Philadelphia, he cannot be produced for the virtual hearing, because FDC-Philadelphia

is not equipped to produce immigration-court respondents for such hearings. *Id.* The Moshannon Valley Processing Center, on the other hand, is equipped for such a virtual hearing. *Id.*

Respondents attach the Declaration of Joseph J. Roache, who is the Assistant Field Office Director for U.S. Immigration and Customs Enforcement’s (ICE) Enforcement and Removal Operations (ERO) in Philadelphia. *See* Roache Declaration, Exhibit “1” hereto. Mr. Roache explains that: (1) for Mr. Kumar to attend an immigration-court hearing, he must be detained within a facility on EOIR’s “detained docket”; (2) virtual hearings are not permitted from FDC-Philadelphia; and (3) if a detainee remains at the FDC, his removal proceedings cannot proceed, which would “result[] in indefinite detention.” *Id.* ¶¶ 1-5.

The Court may take judicial notice that the relevant ICE-ERO web page (<https://www.ice.gov/detention-facilities>), when searched by state, shows only the following four detention facilities in Pennsylvania:



The screenshot shows a search interface with the following elements:

- FILTER BY**: Pennsylvania (dropdown)
- Philadelphia Field Office** (dropdown)
- Search by Facility Name...** (input field)
- Apply** (button)
- Reset** (button)

Four facility cards are displayed:

Facility Name	Address
Clinton County Correctional Facility	Philadelphia Field Office 58 Pine Mountain Road McElhattan, PA 17748
FDC Philadelphia	Philadelphia Field Office 700 Arch Street Philadelphia, PA 19106
Moshannon Valley Processing Center	Philadelphia Field Office 555 GEO Drive Philipsburg, PA 16866
Pike County Correctional Facility	Philadelphia Field Office 175 Pike County Blvd. Lords Valley, PA 18428

Because the February 2 hearing cannot take place at FDC-Philadelphia, Mr. Kumar should be transferred back to the Moshannon Valley Processing Center—and Respondents so request, respectfully—so that he can virtually attend the hearing.

Respectfully submitted,

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United States Attorney

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Counsel for Respondents

Dated: January 27, 2026

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CERTIFICATE OF SERVICE

I hereby certify that, on this date, I filed the Statement in Response to the Court's ECF 18 Order (with attached Declaration) via the Court's Case Management/Electronic Case Filing System, thereby making the Statement and its exhibit available for viewing and downloading by all parties to the case.

/s/ Gerald B. Sullivan
Gerald B. Sullivan
Assistant United States Attorney

Dated: January 27, 2026

DECLARATION OF JOSEPH ROACHE

I hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

I am the Assistant Field Office Director, Non-Detained & Alternatives to Detention for the U.S. Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO"), and make this declaration based upon information and belief derived from an inspection of DHS records and my own personal knowledge of this case.

1. This detainee is currently in removal proceedings before the Executive Office of Immigration Review (EOIR) based in Elizabeth, New Jersey.
2. For him to attend his immigration court hearings, he must be detained within a facility on the "detained docket" under EOIR.
3. According to ERO's agreement with FDC Philadelphia, virtual hearings are not permitted from that facility.
4. My understanding is that FDC Philadelphia generally prohibits all virtual hearings, including criminal matters.
5. If a detainee is transferred back to FDC Philadelphia or prohibited from being transferred out of FDC Philadelphia, his removal proceedings would be unable to proceed, resulting in indefinite detention.

Dated: 1/26/2026

Joseph Roache,
Assistant Field Office Director
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
Philadelphia, Pennsylvania

JOSEPH J Digitally signed by
ROACHE JOSEPH J ROACHE
Date: 2026.01.26
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