



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

November 20, 2025

VIA ECF

The Honorable Dale E. Ho
United States District Judge
Southern District of New
York 40 Foley Square
New York, New York 10007

Re: *Mejia Segovia v. Joyce, et al.* 25 Civ. 9551 (DEH)

Dear Judge Ho:

This Office represents the government in the above-referenced immigration habeas corpus action, brought by Petitioner Ronald Alexander Mejia Segovia (“Petitioner”), an alien in removal proceedings, challenging his detention by U.S. Immigration and Customs Enforcement (“ICE”). The primary legal issue presented in this case concerns the statutory authority for Petitioner’s detention—whether it is 8 U.S.C. § 1226(a) or 8 U.S.C. § 1225(b)—and the attendant due process issues stemming from such authority. Petitioner seeks an order from this Court directing ICE to release Petitioner from detention “immediately.” While reserving all rights, including the right to appeal, the government submits this letter in lieu of a formal responsive memorandum of law to conserve judicial and party resources, and to expedite the Court’s consideration of this case in light of this Court’s decision on the principal legal issues in *Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug 13, 2025), and similarly in *Torres v. Francis*, No. 25 Civ. 8408 (DEH), 2025 WL 3168759 (S.D.N.Y. Nov. 13, 2025), as discussed below.

Relevant Underlying Facts

Petitioner is a native and citizen of El Salvador who unlawfully entered the United States without inspection in February 2016. Pet. (ECF No. 1) ¶ 1. He was apprehended by U.S. Customs and Border Protection (“CBP”), and claimed a fear of persecution in his home country, which triggered the credible-fear process, pursuant to which an asylum officer interviewed Petitioner. *Id.* The asylum officer determined that Petitioner had a positive credible fear, *id.*, and thus, pursuant to statute, Petitioner was placed into removal proceedings to pursue an asylum application, during which his detention is mandatory. 8 U.S.C. § 1225(b)(1)(B)(ii). In April 2016, ICE subsequently released Petitioner upon the posting of a \$12,000 bond, memorialized on a Form I-286, Notice of Custody Determination under 8 U.S.C. § 1226(a). On November 14, 2025, ICE arrested Petitioner in the Bronx, NY, pursuant to an I-200 Warrant of Arrest, and cancelled his bond. *See* Pet. ¶ 2. His removal proceedings remain pending, and Petitioner is currently detained at the Orange County Jail in Goshen, New York.

Habeas Petition

On November 14, 2025, the Segovia filed the Petition commencing this action. ECF No. 1. On November 17, 2025, Petitioner filed an Emergency Motion for a Temporary Restraining

Order, seeking his immediate release or return to this jurisdiction. ECF No. 2. Petitioner asserts that his detention violates his due process rights under the Fifth Amendment and the Fourth Amendment. *See* Pet. at *8-9, ¶¶ 1-6¹. As his ultimate relief, Petitioner requests that the Court order the government to release him from custody. *Id.*, Prayer for Relief. On November 17, 2025, the Court ordered respondents to file their opposition to the Petition by November 20, 2025, and, *inter alia*, ordered that “Petitioner shall not be transferred except to a facility within this District, the Eastern District of New York, or the District of New Jersey absent further order of this Court.” ECF No. 5.

Lopez Benitez v. Francis

On August 13, 2025, this Court issued a decision on the principal legal question presented in this action in a similar habeas case challenging an alien’s re-detention after prior release on an order of recognizance. The Court concluded that the petitioner, who was initially detained at the border in 2023, served with an arrest warrant referencing 8 U.S.C. § 1226, released on an order of recognizance that also referenced § 1226, and who was arrested again in July 2025 following an immigration court hearing and again served with a copy of an arrest warrant referencing § 1226, was detained pursuant to § 1226 and not, as ICE contends, § 1225 as an applicant for admission.² *Lopez Benitez*, 2025 WL 2371588, at *9. The Court relied on the contemporaneous documentation as well as two decisions from Massachusetts, *Gomes v. Hyde*, No. 25 Civ. 11571, 2025 WL 1869299 (D. Mass. July 7, 2025), and *Martinez v. Hyde*, __ F. Supp. 3d __, 2025 WL 2084238 (D. Mass. July 24, 2025). *Id.* at 4–5.

Having concluded that the petitioner’s detention was governed by § 1226, the Court conducted the three-part due process analysis under *Mathews v. Eldridge*, 424 U.S. 319 (1976), and concluded that the petitioner was “entitled to more process than he received.” *Id.* at 12. Finally, the Court considered whether the petitioner should be required, as the government contends would be appropriate in a § 1226(a) case,³ to exhaust administrative remedies as a prudential matter by requesting a bond hearing before an immigration judge. The Court held that “post-deprivation review is inadequate to address” the due process violation it had found, and thus exhaustion was not required. *Id.* at 14.

The Court directed the government to transport the petitioner, who had been transferred out of the district for bedspace reasons, “back to the Southern District of New York within three days,” and “immediately upon effectuating his transfer, release petitioner from custody.” *Id.* at 15.

¹ The paragraph numbering resets to 1 on page 8 of the Petition.

² In that case, ICE argued that the petitioner’s detention was governed by 8 U.S.C. § 1225 because petitioner was an alien who entered without inspection or parole, and was initially detained soon after crossing the border, he was therefore an applicant for admission who is treated, for constitutional purposes, as if stopped at the border. As such, he would not be entitled to release or a bond hearing. *See Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH), ECF No. 8, at 6–12 (gov’t brief).

³ Because aliens detained under 8 U.S.C. § 1226(a) may request a custody redetermination hearing (i.e., bond hearing) before an immigration judge, it was argued that the petitioner should be required to exhaust his administrative remedies—which may lead to release from detention—before seeking release in federal court. *See Lopez Benitez* gov’t brief, at 12–18.

Discussion

In Counts One through Three, Petitioner alleges that his detention violates his due process rights under the Fifth and Fourth Amendments. As noted, this Court has already resolved nearly identical due process claims in a prior case, whether in *Lopez Benitez* or *Torres*, essentially holding that when DHS issues documents for an alien concerning arrest and or release under the authority of 8 U.S.C. § 1226(a), an alien's subsequent detention falls within the authority of 8 U.S.C. § 1226, as opposed to 8 U.S.C. § 1225(b). While the government respectfully disagrees with the Court's decisions in *Lopez Benitez* and *Torres*, the government acknowledges that those decisions would appear to control the result in this case if the Court adheres to those decisions, as the facts of this case are similar to those of *Lopez Benitez* and *Torres*; thus, to conserve judicial resources and to expedite the Court's consideration of this case, the government hereby relies upon, and incorporates by reference, the legal arguments it presented in *Lopez Benitez* and *Torres*,⁴ and the Court can decide this matter without further briefing. However, should the Court prefer to receive a formal opposition brief in this matter, we will file such a brief upon the Court's request.

Further, notwithstanding its submission of this letter in lieu of a formal brief, the government reserves all rights, including the right to appeal. Accordingly, for the reasons set forth in the government's briefs in *Lopez Benitez* and *Torres*, the government respectfully requests that the Court deny this habeas petition. If the Court grants the petition and declines to direct that Petitioner receive a bond hearing, the government respectfully submits that the Court proper remedy would be an order directing Petitioner's release on the conditions that Petitioner was previously released under before being arrested by ICE on November 14, 2025.

Finally, the government notes that the Court has ordered respondents to attend a conference scheduled for November 25, 2025. ECF No. 5. The government believes the Court can resolve this matter without a conference. *See, e.g., Huang v. Almodovar*, No. 25 Civ. 9346 (DEH), ECF No. 10 (granting petition for release from custody and cancelling previously scheduled conference based on respondents' submission that prior holding would control the result in the case if the court adheres to it). The government has discussed this recommendation with Petitioners' counsel, who concur.

* * *

⁴ Specifically, the government incorporates by reference all arguments raised in its opposition brief in *Lopez Benitez*, No. 25-cv-5937 and *Torres*, No. 25-cv-8408.

I thank the Court for its consideration of this matter.

Respectfully submitted,

JAY CLAYTON
United States Attorney

By: /s/ Jacob M. Bergman
JACOB M. BERGMAN
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel: (212) 637-2776
E-mail: jacob.bergman@usdoj.gov

cc: Counsel of record (via ECF)