



**U.S. Department of Justice**  
United States Attorney  
Eastern District of Pennsylvania

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Anthony St. Joseph  
Assistant United States Attorney  
Direct: (215) 861-8267  
anthony.stjoseph@usdoj.gov

615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106-4476  
(215) 861-8200  
Facsimile: (215) 861-8618

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January 5, 2025

**VIA ECF:**

Honorable Chad F. Kenney  
Judge, United States District Court  
6614 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106-1744

RE: *Alpha Ousmane Bah v. Rose et al.*,  
E.D. Pa. Civ. No. 25-cv-6992

Dear Judge Kenny:

Respondents submit this letter brief in accordance with this Court's December 20, 2025 Order. [ECF #7]. The Court directed Respondent's to file a letter brief if this case contained "meaningfully distinguishable facts" than previous cases that found against Respondents' arguments decided by this Court and in this District. *See e.g., Cantu-Cortes v. O'Neill, et al.*, No. 25-cv-6338, 2025 WL 3171639, at \*1-2 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); *Anirudh v. McShane, et al.*, No. 25-cv-6458 (E.D. Pa. Dec. 8, 2025) (Bartle, J.); *Juarez Velazquez v. O'Neill, et al.*, No. 25-cv-6191 (E.D. Pa. Dec. 3, 2025) (Henry, J.).

Respondents concede that this matter is legally and factually similar to other cases in this District, including the cases cited by this Court. The Federal Respondents in this case respectfully remain of the view that their positions are correct and therefore—despite the weight of contrary decisions in this District—incorporate the arguments made in those cases into this letter brief in order to preserve them for appeal (if ultimately authorized by the Solicitor General).

Should this Court enter judgment against Respondents, in accordance with the Court's December 18 Order, Respondents have arranged to conduct Petitioner's bond hearing under 8 U.S.C. § 1226(a) on January 8, 2025. Petitioner had already been moved to the Moshannon Valley Processing Center (MVPC) prior to the Court's Order not to transfer him out of the district. After consultation, both parties agree that it is in the interest of

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judicial economy to allow the remote bond hearing scheduled on January 8, 2025 from MVPC to proceed.

Thank you for your consideration.

Respectfully,

DAVID METCALF  
United States Attorney

/s/ Anthony St. Joseph  
ANTHONY ST. JOSEPH  
Assistant United States Attorney

cc: Taylor S. Adams ([taylor@giltlaw.com](mailto:taylor@giltlaw.com))  
Counsel for Petitioner