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February 13, 2026

By Electronic Filing
Hon. John F. Murphy
United States District Court
Eastern District of Pennsylvania
601 Market Street
Philadelphia, PA 19106

Re: *Alan Gagiev v. Rose, et al.*, No. 2:26-cv-169
Response to the Court's February 12, 2026 Order (ECF No. 7)
Regarding Documentation

Dear Judge Murphy:

I write on behalf of Respondents following the Court's February 12, 2026 Order (ECF No. 7) that the government file the documentation serving as the basis for Petitioner Alan Gagiev's detention by February 13, 2026.

Respondents do not have a judicial or administrative warrant for Gagiev's detention, as there is no warrant requirement for detention under 8 U.S.C. § 1225. *See* 8 U.S.C. § 1225(b)(2)(A) (requiring detention), *see generally* 8 U.S.C. § 1225 (making no reference to warrants). Rather, 8 U.S.C. § 1225(b)(2) authorizes Petitioner's detention.

The documentation supporting Gagiev's detention under 8 U.S.C. § 1225(b)(2) is in the record as exhibits to Petitioner's habeas petition. ECF No. 1-3, Exhibits A, Notice to Appear, and B, Most Recent I-94.

The Department of Homeland Security (DHS) charged Petitioner on December 31, 2024 as subject to removal under Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA) (8 U.S.C. § 1182(a)(7)(A)(i)(I)), after he sought admission at a port of entry. *See* ECF No. 1-3, Ex. A, Notice to Appear at 4. Petitioner was then granted discretionary parole into the United States. *See* ECF Nos. 1 ¶ 3 and 4 at 5.

Petitioner's initial grant of parole ended on April 18, 2025. *See* ECF No. 1-3, Ex. B at 1 (stating an "Admit Until Date" of April 18, 2025).

Because his parole ended, his detention is now mandatory. *See* 8 U.S.C. § 1225(b)(2)(A); *see also Contreras v. Oddo*, 2025 WL 2104428, *5 (W.D. Pa. July 28, 2025) ("[Petitioner's] detention is mandatory as an inadmissible arriving alien." (citing 8 U.S.C. § 1225(b)(1)).

For the reasons above, Respondents maintain that the record now before the Court contains all documentation needed to authorize the detention of Gagiev.

Respectfully,

DAVID METCALF
United States Attorney

/s/ Alanna N. Pawlowski
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cc: Adam R. Boyd, via ECF
Counsel for Petitioner