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January 15, 2026

By ECF

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

Re: *Chen v. Almodovar, et al., No. 26 Civ. 291 (GBD)*

Dear Honorable Judge Daniels:

Counsel respectfully submits this letter in lieu of a formal brief in response to Respondents' letter, filed on January 14, 2026, and in further support of the relief requested in the Petition.

The relevant facts are undisputed, and the legal framework has already been addressed by this Court in materially indistinguishable cases.

Arguments

Where the Government detains or re-detains a noncitizen without constitutionally adequate process, particularly absent an individualized determination supported by a demonstrated change in circumstances, habeas relief is warranted. This Court has repeatedly granted such relief, either ordering immediate release or requiring a bond hearing at which the Government bears the burden of justification.

In *Quinteros Moran v. Joyce*, 25 Civ. 9645 (GBD) (S.D.N.Y. Dec. 15, 2025), this Court rejected the Government's attempt to justify detention through post-hoc statutory reframing and granted habeas relief, ordering a bond hearing with the burden on the Government. Likewise, in *Rivera Quintanilla v. Decker*, 21 Civ. 417 (GBD) (S.D.N.Y. Feb. 22, 2021), this Court held that detention under § 1226(a) without constitutionally adequate process violated due process and ordered a bond hearing with the burden on the Government.

The facts of this case closely mirror those in which this Court has ordered immediate release. In *Martinez v. Joyce*, No. 25 Civ. 10376 (GBD) (S.D.N.Y. Jan. 8, 2026), this Court granted habeas relief and ordered release where the petitioner—who had long resided in the United States—was detained following an interior encounter without procedural safeguards and

without an individualized custody determination. The Court concluded that such detention violates due process because it does not comport with the requirements of 8 U.S.C. § 1226(a). See *Martinez* at 4. That reasoning squarely applies here. Here, Petitioner was detained during an interior encounter and denied any individualized custody determination under § 1226(a). As in *Martinez*, Respondents do not contend—either in their submission or elsewhere—that Petitioner poses a flight risk or a danger to the community, nor do they identify any changed circumstances justifying continued detention without due process. To the contrary, the record affirmatively demonstrates Petitioner’s stability and good moral character. Petitioner is steadily employed in New York, maintains a fixed residence, regularly attends church, and has no criminal history. Like Mr. Martinez, Petitioner has affirmatively engaged with the immigration system by filing a Form I-589 prior to his detention, which remains pending, and by appearing for scheduled proceedings, including a Master Calendar Hearing set for June 23, 2027. See Petition. These facts demonstrate that Petitioner is actively pursuing lawful relief and has every incentive to appear as required. Accordingly, as in *Martinez*, the Government’s detention of Petitioner—imposed without notice, without an individualized assessment, and without any showing of risk—violates due process.

And in *Valdez v. Joyce*, 25 Civ. 4627 (GBD) (S.D.N.Y. June 18, 2025), this Court ordered immediate release where the Government re-detained the petitioner without notice, explanation, or a meaningful opportunity to be heard. There, to the extent Respondents suggest that a change in administration or enforcement priorities constitutes a “changed circumstance” sufficient to justify detention, this Court has expressly rejected that proposition. See *Valdez* at 6 n.6 (rejecting the argument that a change in enforcement priorities satisfies due process and holding that “[t]he law requires a change in relevant facts, not just a change in attitude” (citing *Lopez v. Sessions*, 2018 WL 2932726, at *11 (S.D.N.Y. June 12, 2018))). The Court likewise rejected the Government’s contention that release based on custodial constraints—such as lack of detention capacity—can later be recast as a basis for re-detention, concluding that such arguments “have no basis in the law.” *Id.*

This Court’s recent order directing release in materially indistinguishable circumstances further confirms that habeas relief is the appropriate remedy.

Recent EOIR Guidance Does Not Alter the Availability of Habeas Relief

Recent nationwide guidance from the Executive Office for Immigration Review (“EOIR”) further confirms that habeas relief is appropriate in this case. On January 13, 2026, the Chief Immigration Judge issued guidance instructing immigration judges that *Maldonado Bautista* is not a nationwide injunction and does not vacate or enjoin *Matter of Yajure Hurtado*, and that immigration judges remain bound to follow *Yajure Hurtado* as controlling precedent. See Exhibit 1, Practice Alert: EOIR Issues Nationwide Guidance on *Maldonado Bautista* (AILA Doc. No. 26011404, Jan. 14, 2026). Under these circumstances, habeas review is not only proper but necessary to remedy continued detention that, as this Court has repeatedly held, violates due process.

No Conference is Necessary

Petitioner agrees with Respondents that this matter may be resolved without a conference. Where controlling authority dictates the outcome, courts in this District routinely grant habeas relief and cancel previously scheduled conferences.

Conclusion

For the foregoing reasons, and consistent with this Court's precedent, the Petition should be granted. The Court should order Petitioner's immediate release, or, in the alternative, a prompt bond hearing at which the Government bears the burden of justifying continued detention.

Respectfully submitted,

Dated: January 16, 2026,

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cc: Counsel of Record (via ECF)