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February 4, 2026

Via ECF Filing

Honorable Mary Kay Costello
United States District Court
US Courthouse
601 Market Street
Philadelphia, PA 19106

Re: *Wanderson Lopes de Andrade v. Michael Rose et al.*,
Civ. No. 26-cv-603-MKC

Dear Judge Costello:

This matter does not differ from the substantive facts in *Jamalzoda v. Rose*.

Respondents aver that the Board of Immigration Appeals' (BIA) decision in *Matter of Q. Li* controls and is informative in assessing the statutory authority for Petitioner's detention. See ECF, 4.

In *Matter of Q. Li*, the BIA held that "an applicant for admission who is arrested and detained without a warrant while arriving in the United States ... and subsequently placed in removal proceedings is detained under ... 8 U.S.C. 1225(b), and is ineligible for any subsequent release on bond under ... 8 U.S.C. § 1226(a)." *Matter of Q. Li*, 29 I. & N. Dec. 66, 69 (BIA 2025). *Matter of Q. Li* was decided in May 2025 and was a step toward the abrupt shift and expansion of the use of § 1225(b); *Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025), which was decided four months later, simply took *Matter of Q. Li* a step further.

Hurtado is simply *Q. Li* 2.0 – As a Judge in the Western District of Pennsylvania recently put, "[j]ust as this Court finds *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) unavailing it also finds *Matter of Q. Li* unavailing." *Romero v. Noem*, No. CV 3:25-524, 2026 WL 116379, at *1 (W.D. Pa. Jan. 15, 2026).

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Nonetheless, *Matter of Q. Li* is distinguishable from the facts here. The non-citizen in *Matter of Q. Li* was a noncitizen who was arrested without a warrant and detained under Section 1225(b) shortly after crossing into the United States without being inspected and admitted. *Id.* at 67. In this case, Petitioner has been in the United States for twelve years (since October 29, 2014), and was never previously treated as an arriving alien nor was he paroled into the United States (as was the non-citizen in *Matter of Q. Li*. See ECF 1, Ex. A.

Accordingly, Petitioner respectfully request the Court to issue an order consistent with the Court's previous orders in *Jamolzoda* and related case.

Sincerely,

/s/ Christopher M. Casazza, Esq.
Christopher M. Casazza, Esq.

cc: U.S. Attorney's Office (via ECF)