



U.S. Department of Justice

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February 12, 2026

VIA ECF FILING

Honorable Mary Kay Costello

United States District Court

6614 US Courthouse

601 Market Street

Philadelphia, PA 19106

Re: **Respondents' Supplemental Letter**; *Wanderson Lopes de Andrade v. Rose et al.*, Civ. No. 26-cv-603-MKC

Dear Judge Costello:

I represent the United States in the above referenced habeas action. Your Honor scheduled a status conference for February 12, 2026 (ECF No. 6). I am writing to supplement Respondents' opposition to the instant petition (ECF No. 4).

Respondents rely on the holding of the Board of Immigration Appeals (BIA) in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) to support Petitioner's detention under § 1225(b)(2). See ECF No. 4, at 1-2. Respondents acknowledge, however, that at least three courts in this District have disagreed with such reliance. See e.g., *Cordero v. Rose*, No. 26-cv-534, ECF No. 5 at 5-6 (E.D. Pa. Jan. 29, 2026) (Marston, J.) (disagreeing with the United States' interpretation of *Q. Li* and concluding that petitioner, who entered the United States more than three years ago, was not an applicant for admission that was actively "seeking admission" within the meaning of § 1225(b)(2)); *Cajas-Duchimaza v. McShane*, No. 26-cv-621, ECF No. 6 (Feb. 3, 2026) (McHugh) (similar); *Gurievi v. Rose*, No. 26-736, ECF No. 6 (Kearney) (Feb. 9, 2026) (similar).

In addition, a recent precedential decision of the U.S. Court of Appeals for the Fifth Circuit in *Buenrostro-Mendez v. Bondi*, ___ F.4th ___, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026), reversed two district courts and held that 8 U.S.C. § 1225(b)(2)(A) requires the mandatory detention of noncitizens "seeking admission" to the United States, with no right to bond hearings. This decision is not binding on this Court, however, and the Third Circuit Court of Appeals has not addressed this issue.

Respondents request the Court's consideration of authority discussed herein.

Respectfully yours,

DAVID METCALF
United States Attorney


Monique Myatt Galloway
Assistant United States Attorney

cc: Christopher Casazza, Esq. (via ECF)

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing Respondents' Supplemental Letter, which has been electronically filed and is available for viewing and downloading from the Court's ECF system, to be served upon all parties of record.

February 12, 2026

/s/ Monique Myatt Galloway
MONIQUE MYATT GALLOWAY
Assistant United States Attorney