

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

RAJAT SHARMA

Petitioner,

v.

EXECUTIVE OFFICE FOR IMMIGRATION  
REVIEW, et. al.,

Respondents.

Case No. 2:26-cv-00641

**PETITIONER’S REPLY TO RESPONDENTS’ NOTICE OF SUPPLEMENTAL  
AUTHORITY IN SUPPORT OF RESPONSE TO OPPOSITION TO PETITION FOR  
WRIT OF HABEAS CORPUS**

Petitioner files this reply to Respondents’ notice of supplemental authority in support of their opposition to Petitioner’s petition for writ of habeas corpus. The supplemental authority that the government submits is *Buenrostro-Mendez v. Bondi*. See *Buenrostro-Mendez v. Bondi*, F. 4<sup>th</sup>, No. 25-20496, 2026 WL 323330 (5<sup>th</sup> Cir. Feb. 6, 2026). Petitioner contends that *Buenrostro-Mendez v. Bondi* is not binding authority on this Court, but rather persuasive authority. Petitioner also writes to confirm the position that this Court has routinely taken in finding that petitioners similarly situated to Petitioner are detained pursuant to 8 U.S.C. § 1226, rather than 8 U.S.C. § 1225(b). Petitioner respectfully requests this Court grant Petitioner’s petition for writ of habeas corpus and grant immediate release.

**ARGUMENT**

**I. The Court should not Find *Buenrostro-Mendez v. Bondi* is Binding Precedent on this Court.**

Respondents provided supplemental authority to this Court following the February 6, 2026 decision by the Fifth Circuit Court of Appeals in *Buenrostro-Mendez v. Bondi*, F. 4<sup>th</sup>, No. 25-

20496, 2026 WL 323330 (5<sup>th</sup> Cir. Feb. 6, 2026). This matter was before the Fifth Circuit following the Government's appeal of multiple grants of writs of habeas corpus out of the U.S. District Court for the Southern District of Texas. The District Court previously granted these writs for the petitioners, finding that the petitioners were illegally detained under § 1225(b)(2), and that § 1226(a) was the proper detention statute.

Petitioner acknowledges the *Buenrostro-Mendez v. Bondi* decision but writes to confirm that this Court is not bound by that decision. This Court is bound by decisions of the Third Circuit Court of Appeals and the Supreme Court. This Court is not required to follow decisions from other circuit courts, including the Fifth Circuit Court of Appeals, where *Buenrostro-Mendez v. Bondi* arose. At most, the *Buenrostro-Mendez* decision is persuasive authority for this Court. However, this court should only place minimal value on the Fifth Circuit decision, as it is not binding on this Court.

**II. This Court should Distinguish *Buenrostro-Mendez v. Bondi* because Petitioner also Challenges the Constitutionality of his Detention.**

Along with Petitioner's challenge to the Respondents' incorrect application of the detention statutes, Petitioner has also raised a Constitutional challenge to his detention. In the underlying petition, Petitioner asserts that the Fifth Amendment affords due process in deportation proceedings to noncitizens. *See Demore v. Kim*, 538 U.S. 510, 523 (2003). The Due Process Clause of the Fifth Amendment protects "the [f]reedom from imprisonment- from government custody, detention, or other forms of physical restraint." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Petitioner has asserted that both substantive and procedural due process protects against Petitioner's detention. *See* ECF No. 3 at ¶ 60-78.

Notably, the court in *Buenrostro-Mendez* did not meaningfully address the Due Process arguments related to the statutory framework that Respondents have recently implemented to support their position that Petitioner, and others similarly situated, are subject to mandatory detention. Petitioner's underlying habeas petition has also raised Constitutional challenges not considered in the Fifth Circuit Court of Appeals' decision. Accordingly, this Court should not view *Buenrostro-Mendez* as a relevant persuasive when deciding Petitioner's habeas petition.

**III. The Court should Rule Consistent with the Numerous, Factually Indistinguishable Cases from this District that have already Decided this Issue.**

The Respondents acknowledge that the vast majority of courts to confront this issue have rejected their position, including more than 150 from this District. This Court should adopt the sound reasoning of the judges of this District who have persuasively addressed this issue. *See, See, e.g.,* Patel v. McShane, No. 25-cv-5975, 2025 WL 3241212 (E.D. Pa. Nov. 20, 2025) (Brody, J.); Ndiaye v. Jamison, No. 25-cv-6007, 2025 WL 3229307 (E.D. Pa. Nov. 19, 2025) (Sánchez, J.); Demirel v. Fed. Det. Ctr. Philadelphia, No. 25-cv-5488, 2025 WL 3218243 (E.D. Pa. Nov. 18, 2025) (Diamond, J.); Kashranov v. Jamison, No. 25-cv-5555, 2025 WL 3188399, at \*4-7 (E.D. Pa. Nov. 14, 2025) (Wolson, J.); Cantu Cortes v. O'Neill, et al., No. 25-cv-6338, 2025 WL 31716392 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); Centeno Ibarra v. Warden of the Federal Detention Center, et al., No. 25-cv-6312, 2025 WL 3294726 (E.D. Pa. Nov. 25, 2025) (Rufe, J.); Buele Morocho v. Jamison, et al., No. 25-cv-5930, 2025 WL 3296300 (E.D. Pa. Nov. 26, 2025) (Gallagher, J.); Diallo v. O'Neill, et al, No 25- cv6358, 2025 WL 3298003 (E.D. Pa. Nov. 26, 2025) (Savage, J.); Espinal Rosa v. O'Neill, et al., No. 25-cv6376, 2025 WL 3708900 (E.D. Pa. Nov. 25, 2025) (Weilheimer, J.); Wu v. Jamison, et al., No. 25-cv-6469 (E.D. Pa. Dec. 1, 2025) (Gallagher, J.); Flores Obando v. Bondi, No. 25-cv6474, 2025 WL 3452047 (E.D. Pa. Dec. 1,

2025) (Brody, J.); Valdivia Martinez v. FDC, No. 25- cv-6568 (E.D. Pa. Dec. 1, 2025) (Savage, J.); Soumare v. Jamison, No. 25-cv-6490, 2025 WL 3461542 (E.D. Pa. Dec. 2, 2025) (Henry, J.); Yilmaz v. Warden, FDC, No. 25-cv-6572, 2025 WL 3459484 (E.D. Pa. Dec. 2, 2025) (Rufe, J.); Nogueira-Mendes v. McShane, No. 25-cv-5810, 2025 WL 3473364 (E.D. Pa. Dec. 3, 2025) (Slomsky, J.); Juarez Velazquez v. O’Neill, et al., No. Case 2:26-cv-00593-JFM Document 6 Filed 02/09/26 Page 3 of 5 4 25-cv-6191, 2025 WL 3473363 (E.D. Pa. Dec. 3, 2025) (Henry, J.); Perez-Suspes v. Rose, et al., No. 25-cv-6608, 2025 WL 3492820 (E.D. Pa. Dec. 5, 2025) (Brody, J.); Delgado Villegas v. Bondi, et al., No. 25-cv-6143 (E.D. Pa. Dec 4, 2025) (Diamond, J.); Hidalgo et al. v. O’Neill, et al., No. 25-cv-6775 (E.D. Pa. Dec. 5, 2025) (Diamond, J.); Conde v. Jamison, et al. No. 25-cv6551, 2025 WL 3499256 (E.D. Pa. Dec. 5, 2025) (Brody, J.); Rodrigues Pereira v. O’Neill, et al., No. 25-cv-6543, 2025 WL 3516665 (E.D. Pa. Dec. 8, 2025) (Marston, J.); Bhatia v. O’Neill, et al., No. 25-cv-6809, 2025 WL 3530075 (E.D. Pa. Dec. 8, 2025) (Rufe, J.); Anirudh v. McShane, et al., No. 25-cv-6458, 2025 WL 3527528 (E.D. Pa. Dec. 8, 2025) (Bartle, J.); Acosta Cibrian, No. 25-cv-6650 (E.D. Pa. Dec. 9, 2025) (Gallagher, J.); Picon v. O’Neill, et al., No. 25-6731, 2025 WL 3634212 (E.D. Pa. Dec. 15, 2025) (Perez, J).

### CONCLUSION

For the foregoing reasons, this Court should find that *Buenrostro-Mendez v. Bondi* is not binding on this Court, that Petitioner is detained under 8 U.S.C. § 1226(a), and that he should be granted immediate release because his detention violates the statute and his Due Process rights.

Respectfully submitted,

Dated: February 11, 2026

/s/ Erin O’Brien

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**CERTIFICATE OF SERVICE**

I certify that on this date, I filed the foregoing Reply to Respondents' Notice of Supplemental Authority in Support of Response to Opposition to Petition for Writ of Habeas Corpus through the Court's CM/ECF System, making it available to all parties to the case.

Dated: February 11, 2026

/s/ Erin O'Brien  
Erin O'Brien, Esq.