

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)

Pragnaben Hardikkumar Patel,

*

Petitioner,

*

Case No. 1:26-cv-00465-MJM

v.

*

Kristi Noem et al.,

*

Respondents.

*

* * * * *

JOINT NOTICE

Petitioner and Respondents, by and through undersigned counsel, hereby submit the following Notice to the Court regarding the Petition for Habeas Corpus in lieu of further briefing.

The Parties submit that the factual and legal issues presented in the instant habeas petition do not differ in any material fashion from those presented in *Sanchez-Perez v. Noem, et al.*, 26-cv-00063-MJM, ECF No. 8 and *Villanueva Funes v. Noem*, No. 25-cv-03860-TDC, ECF Nos. 13, 14. Specifically the Petition here concerns whether an alien who is present in the United States without admission is entitled to a bond hearing under 8 U.S.C. § 1226(a) when they have been previously encountered and detained by ICE at the border, issued a Notice to Appear in Removal Proceedings, but then released on an Alternative to Detention (“ATD”) agreement, and then re-detained for ATD violations under 8 U.S.C. 1226(b) while awaiting the resolution of judicial removal proceedings.

Additionally, on February 6, 2026, the Fifth Circuit, in *Buenrostro-Mendez v. Bondi*, No. 25-20496 (5th Cir. Feb. 6, 2026), held, 2-1, that the Department of Homeland Security can charge individuals they initially encounter, no matter how long they have been in the United States, under

8 U.S.C. § 1225(b)(2), stating:

After reviewing carefully the relevant provisions and structure of the Immigration and Naturalization Act, the statutory history, and Congressional intent, we conclude that the government's position is correct. We REVERSE the district courts' orders to provide petitioners with bond hearings or release them and REMAND for further proceedings consistent with this opinion.

Id. at p. 3. The parties acknowledge that this Fifth Circuit case is not binding on this District Court.

As such, unless the Court prefers further briefing on that issue, the Parties submit that this Court should incorporate the Respondents' filings in *Sanchez-Perez* and *Villanueva Funes* into the record of this habeas action in lieu of further briefing. Should the Court determine that it intends to issue an order requiring a bond hearing, the parties request that such order contain the following terms:

1. Petitioner is detained under 8 U.S.C. § 1226(a) and Respondents are enjoined from detaining Petitioner under 8 U.S.C. § 1225(b);
2. Petitioner is entitled to a bond hearing consistent with 8 C.F.R. §§ 236.1(d), 1003.19 and 1236.1(d), which shall be held within 10 days of the Petitioner's filing of a motion with the Immigration Court;
3. The bond hearing may be conducted by any Immigration Judge with jurisdiction or administrative control over Petitioner's detention and need not take place in Maryland; and
4. The Parties shall file a status report with the Court if a bond hearing is not held by an Immigration Judge within 10 days of their filing of a motion for a bond hearing.

WHEREFORE, the Parties request that the Court consider the Petition fully briefed and agree that no hearing is deemed necessary, and that if relief in the form of a bond hearing under 8 U.S.C. § 1226 is ordered, they respectfully request include the terms above in the Court's Order.

[SIGNATURE BLOCKS TO FOLLOW]

Dated: February 9, 2026

Respectfully submitted,

Kelly O. Hayes
United States Attorney

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Counsel for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of February 2026, a copy of the foregoing Notice was served via CM/ECF on all parties and counsel receiving electronic notice in this case.

/s/ Beatrice C. Thomas
Beatrice C. Thomas
Assistant United States Attorney