



U.S. Department of Justice

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February 10, 2026

VIA ECF FILING

Honorable Karen Spencer Martson
Judge, United States District Court
5118 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1744

Re: *Cuji Vimos v. FDC, et al.*, No. 26-cv-780-KSM

Dear Judge Marston:

I represent the United States in this habeas action. At the time he filed his habeas petition, petitioner Darwin Armando Cuji Vimos was detained at FDC Philadelphia pending removal proceedings, where he remains in accordance with the Court's February 7, 2026 order. Petitioner seeks release from detention. I write in response to the Court's February 9, 2026 instruction that Respondents advise the Court "if this case is legally or factually different" than previous cases decided by this Court.

Though Respondents oppose the Petition, they concede that this matter is legally and factually similar to recent cases decided by this Court.¹ Respondents nevertheless respectfully remain of the view that their legal positions are correct, including that petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2) and the Board of Immigration Appeals' holding in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025). Despite the great weight of contrary decisions by this Court and in this

¹ See, e.g., *Rodrigues Pereira v. O'Neill*, No. 25-cv-6543 (E.D. Pa. Dec. 8, 2025) (Marston, J.); *De Leon v. Jamison*, No. 25-cv-7199 (E.D. Pa. Dec. 23, 2025) (Marston, J.); *Hussain v. O'Neill*, No. 26-cv-35 (E.D. Pa. Jan. 8, 2026) (Marston, J.); *Kourouma v. Jamison*, No. 26-cv-182 (E.D. Pa. Jan. 15, 2026) (Marston, J.); *Vasquez Velasquez v. Jamison*, No. 26-cv-250 (E.D. Pa. Jan. 20, 2026) (Marston, J.); *Cabeza Cordero v. Rose*, No. 26-cv-534 (E.D. Pa. Jan. 29, 2026) (Marston, J.); *Leiva Pinto v. Jamison*, No. 26-cv-646 (E.D. Pa. Feb. 4, 2026) (Marston, J.).

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District, Respondents incorporate the arguments made in those cases into this letter brief in order to preserve them for appeal (if ultimately authorized by the Solicitor General).

Additionally, Respondents note for the Court the 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), which 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.

The United States respectfully asks the Court to consider this new decision, issued since the Court last considered the facts and law at issue here, in addition to its prior briefing in the matters noted above, and deny the Petition.

Respectfully,

DAVID METCALF
United States Attorney

/s/ Lauren DeBruicker
LAUREN DeBRUICKER
Assistant United States Attorney

cc: Pretty S. Martinez, Esq.