

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

LOPES-FERREIRA SOUZA, CLEITON,

Petitioner,

v.

KRISTI NOEM, in her Official Capacity,
Secretary of the U.S. Department of
Homeland Security;

PAMELA BONDI, in her Official Capacity,
Attorney General of the United States;

CAMMILLA WAMSLEY, in her Official
Capacity, Philadelphia Office Director for
Enforcement and Removal Operations, U.S.
Immigration and Customs Enforcement;

J.L. JAMISON, in his Official Capacity as
Warden of Federal Department of Corrections
Philadelphia;

Respondents.

CIVIL NO. 26-1206

Judge: Hon. Kai N. Scott

REPLY

**EMERGENCY PETITION FOR WRIT
OF HABEAS CORPUS AND
COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

Respondents have failed to submit a Response by the Court's deadline of February 27, 2026. It is now approximately 12 hours beyond the deadline entered on the Docket and reiterated by Your Honor during a phone call with all parties on the afternoon of February 25. Petitioner asks the Court to Order the IMMEDIATE RELEASE of Petitioner at this time.

Should the Respondents file a Response, we believe it should be rejected as untimely. Should the Respondents file a Response and should the Court accept the late filing, we would like to offer an anticipatory Reply (with the understanding that we cannot responsibly reply in advance to any new evidence subsequently offered by Respondents). Notably, at this time Petitioner has no hearing date and no active case on EOIR. The government has offered literally no justification for holding Petitioner. His unexplained detention now exceeds three days.

We continue to believe that the only appropriate remedy is IMMEDIATE RELEASE. Undersigned Counsel's experience this week reinforces the "death of the bond hearing in Immigration Court." Certain IJ's at the Elizabeth Immigration Court, where Petitioner will likely appear if he remains detained, continue to defy the most recent Order in *Bautista*—which includes a nationwide injunction. Certain IJ's argue that it does not restore bond eligibility to those previously misclassified in *Hurtado*. In denial after denial, several days ago Undersigned Counsel witnessed IJ Adam Panopoulos stating that while *Bautista* vacates *Hurtado*, he remains free to determine his own detention classification of *Bautista Class Members* absent a new ruling from the BIA or the Third Circuit. At present, he considers such individuals properly classified as detained under §1225 (mandatory detention).

For many IJ's, it seems that no level of clarity and forcefulness from a Federal Judge will suffice to restore the settled state which existed for nearly thirty years before last year's anomaly (measured in time, a hiccup; assessed by impact, an earthquake). Moreover, for those IJ's who

have restored eligibility following the most recent order in *Bautista*, Undersigned Counsel continues to witness a troubling trend: IJ's deem everyone to be flight risk and/or set bond in amounts such as \$30,000. IJ's are variously defying Federal Court Orders and functionally converting ICE Detention Centers into debtors' prisons.

We ask that this Court not further permit the violation of Petitioner's Due Process rights and instead order his IMMEDIATE RELEASE. His 13-year-old son cried a bowl of tears in bewilderment earlier this week as he saw his father being arrested as he prepared to leave for school. If this Court grants this Petition, we are sure that the boy will shed tears of joy as he welcomes his father home.

Dated: February 28, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld
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CERTIFICATE OF SERVICE

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On February 28, 2026, Undersigned Counsel filed the accompanying document through CM/ECF. All Respondents participate in CM/ECF.

Dated: February 28, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld
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