

**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 filed their Response at 10:16AM ET on March 2, 2026. That is 58 hours and 16 minutes after the court-imposed deadline of February 27, 2026.

Tellingly, Respondents note: “The government acknowledges that all courts in this district (and many more elsewhere) have reasoned that § 1225(b)(2)(A) requires that an ‘applicant for admission’ be actively ‘seeking admission’ at or near the border to fall within its scope.” *See* Response at page 5. Nonetheless, it argues for a different result here. Neither precedent nor a novel statutory construction would justify a different reading. Furthermore, at this time it remains unclear how the government even characterizes Petitioner’s detention authority. The government has not presented an NTA, an I-213, or even a hypothetical basis why Petitioner was detained. FIVE DAYS AFTER PETITIONER’S ARREST, the government has presented ZERO EVIDENCE OF WHY HE WAS TAKEN.

We can only assume that the government’s statement that “nor could [Petitioner challenge the length of his detention] given that he has been detained less than one week” is ill-informed by the facts (they allege no facts of their own). *See* Response at page 8.

This governmental imprimatur of a justification-less detention of “less than one week” (specifically, 5 days) shocks the conscience. Petitioner’s previous immigration proceedings were three years ago. *See* Exhibit A. Petitioner has no active immigration case; undersigned Counsel is unable to enter an appearance in ECAS. *See* Exhibit B. If the government’s actions are permissible, we finally know the reply to Benjamin Franklin’s cautionary rhetorical statement at the close of the 1787 Constitutional Convention, “[You have] A republic, if you can keep it.” If snatching someone from their home and placing them in jail without any articulated reason is now permissible so long as detention lasts “less than a week [5 days],” the Republic has died in the very city in which it was born.

We call for the IMMEDIATE RELEASE of Petitioner.

Dated: March 2, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld

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Automated Case Information

Name: LOPES-FERREIRA SOUZA, CLEITON | **A-Number:**



Next Hearing Information



There are no future hearings for this case.



Court Decision and Motion Information

The immigration judge ordered **DISMISSAL**.

DECISION DATE

March 22, 2023

COURT ADDRESS

900 MARKET STREET, SUITE 504
PHILADELPHIA, PA 19107



BIA Case Information

No appeal was received for this case.



Court Contact Information

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COURT ADDRESS

900 MARKET STREET, SUITE 504
PHILADELPHIA, PA 19107

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CERTIFICATE OF SERVICE

REPLY

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CERTIFICATE OF SERVICE

On March 2, 2026, Undersigned Counsel filed the accompanying document through CM/ECF. All Respondents participate in CM/ECF.

Dated: March 2, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld

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