

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

MARCIN KEGEL,

Petitioner,

v.

MICHAEL ROSE, et al.,

Respondents.

Civil Action No. 2:26-cv-1213

**SUPPLEMENTAL EVIDENCE AND BRIEFING IN SUPPORT OF RESPONDENTS’
OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS**

Respondents submit the attached evidence as a supplement to their earlier filing from March 11, 2026 (ECF No. 8), in response to the Petition for Writ of Habeas Corpus (ECF No 1), and in accordance with the Court’s Order dated March 23, 2026 (ECF 12).

Respondents further submit this briefing in response to the Court’s Order dated March 23, 2026 (ECF 12), requesting Respondents to submit “any case law in support of its interpretation of the relevant statutes and regulations that ICE can impose additional conditions on a detainee after an immigration judge has ordered the detainee’s release and set conditions.” Respondents cannot cite to any case law from the Board of Immigration Appeals (“BIA”) or Circuit Courts of Appeals because neither have addressed this novel issue. Moreover, outside of the context of GPS ankle monitoring, very few district courts have addressed the scope of ICE’s authority to set independent, agency-specific supervision requirements on individuals without lawful status in the United States during the pendency of their

removal proceedings. In the absence of case law, Respondents rest on the statutory and regulatory arguments set forth in their initial brief and maintain that ICE retains authority to set conditions of release that are wholly dependent on ICE's operational needs and resources, such as enrollment in SmartLINK.

Respectfully submitted,

DAVID METCALF
United States Attorney

/s/ Daniella D. Lees
DANIELLA D. LEES
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Dated: March 27, 2026

Counsel for Respondents

CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing Supplemental Evidence and Briefing via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: March 27, 2026

/s/ Daniella D. Lees
DANIELLA D. LEES
Assistant United States Attorney

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Exhibit List

Exhibit C: Form I-286, Notice of Custody Determination, dated Jan. 2, 2026; Form I-200, Warrant for Arrest of Alien, dated Jan. 2, 2026; and Order to Detain or Release Alien, dated Jan. 2, 2026

Exhibit D: Individual Service Plan, dated Jan. 27, 2026

DEPARTMENT OF HOMELAND SECURITY
NOTICE OF CUSTODY DETERMINATION

Alien's Name: KEGEL, MARCIN

A-File Number: [REDACTED]

Date: 01/02/2026

SIGMA Event: [REDACTED]

Event ID: [REDACTED]

Subject ID: [REDACTED]

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final administrative determination in your case, you will be:

- ☒ Detained by the Department of Homeland Security.
- ☐ Released (check all that apply):
- ☐ Under bond in the amount of \$ _____
- ☐ On your own recognizance.
- ☐ Under other conditions. [Additional document(s) will be provided.]

MCSWEEN, Verlon T



01/02/2026 17:48

Name and Signature of Authorized Officer

Date and Time of Custody Determination

SUPERVISORY CBP OFFICER

St. Croix Island (CHR)

Title

Office Location/Address

You may request a review of this custody determination by an immigration judge.

- ☒ I acknowledge receipt of this notification, and
- ☐ I do request an immigration judge review of this custody determination.
- ☒ I do not request an immigration judge review of this custody determination.



Digitally Acquired Signature

01/02/2026

Signature of Alien

Date

The contents of this notice were read to KEGEL, MARCIN in the ENGLISH language.
 (Name of Alien) (Name of Language)

SOCKRAJ, Neil



Name and Signature of Officer

Name or Number of Interpreter (if applicable)

CBP OFFICER

Title

U.S. DEPARTMENT OF HOMELAND SECURITY**Warrant for Arrest of Alien**

SIGMA Event: [REDACTED]

File No. [REDACTED]

FINS #: [REDACTED]

Event No: [REDACTED]

Date: 01/02/2026 18:44

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that KEGEL, MARCIN is removable from the United States. This determination is based upon:

- ☒ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☒ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☒ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.



Digitally Acquired Signature

(Signature of Authorized Immigration Officer)

JOSHUA, Patricia M - PORT DIRECTOR

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at Henry E Rohlsen Airport (Location)

ON KEGEL, MARCIN ON January 2, 2026, and the contents of this (Name of Alien) (Date of Service)

notice were read to him or her in the ENGLISH language. (Language)



Digitally Acquired Signature

SOOKRAJ, Neil - CBP OFFICER

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Subject ID [REDACTED]

SIGMA Event: [REDACTED]

ORDER TO DETAIN OR RELEASE ALIEN

TO: (NAME and TITLE of Person in Charge of Facility)

(Name of Facility) KROME NORTH SPC
18201 SW 12TH ST

MIAMI, FL, US 33194

Please ☒ Detain ☐ ReleaseDate
01/02/2026Time
18:11

Name of Alien KEGEL, MARCIN

File Number [REDACTED]

Event No: [REDACTED]

Age
41

Date of Birth (Mo.Day.Yr.) [REDACTED]

Sex
MNationality
POLANDForeign Address ul zdzislawy 7,
poznan, POLAND 61054Nature of Proceedings
NOTICE TO APPEAR (NTA)

Signature of Officer Receiving Alien

REMARKS:

Signature of Officer Authorizing Action

JOSHUA, Patricia M



Title

PORT DIRECTOR

Office

STX/St. Croix Island

Form I-203 (Rev. 08/01/07)

Digitally Acquired Signature

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

