

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

MEIRELES DE OLIVEIRA,

Petitioner,

v.

JAMISON, J.L., et al

Respondents.

Case No. **2:26-cv-01246**

**PETITION FOR
WRIT OF HABEAS CORPUS**

PETITIONER'S REPLY TO RESPONDENTS' ANSWER

I. Introduction

In its Answer, the Government acknowledges that “courts in this district (and many elsewhere) have concluded that § 1225(b)(2)(A) does not apply to applicants for admission who are present in the interior of the country.” ECF 5 at 2. There is no reason to depart from the sound statutory analysis of this and dozens of other federal courts. Mr. Meireles de Oliveira has resided in Pennsylvania for 23 years and is clearly not subject to classification as an “arriving alien” as the government purports. Nevertheless, the Government continues to make the same unfounded arguments to justify Mr. Meireles de Oliveira’s continued unlawful detention.

Mr. Meireles de Oliveira primarily submits this reply to address in greater detail why immediate release is the appropriate remedy. Should this court order ICE to provide Mr. Meireles de Oliveira with a bond hearing, there is a significant likelihood that ICE would fail to do so, and one court recently identified at least 96 court orders that ICE has violated in 74 cases just in the month of January 2026. *Juan T.R. v. Noem*, No. 26-CV-0107, 2026 WL 232015, at *1 (D. Minn. Jan. 28, 2026) (“ICE has likely violated more court orders in January 2026 than some federal agencies have violated in their entire existence.”) Furthermore, the current policies and

practices of the immigration court system are preventing individuals like Mr. Meireles de Oliveira from receiving a fair and neutral assessment in bond proceedings. “Habeas is at its core a remedy for unlawful executive detention,” and that remedy “is, of course, release.” *Munaf v. Geren*, 553 U.S. 674, 693 (2008). Indeed, courts in this Circuit have ordered release for dozens of petitioners in similar situations.¹ Mr. Meireles de Oliveira urges the Court to grant the appropriate remedy in the instant Petition and order his immediate release.

II. Respondent’s Unlawful Detention Can Only Be Remedied By Release

Release is the only appropriate remedy for the constitutional violations in this case, including the lack of pre-deprivation notice or individualized review before Petitioner’s arrest, which cannot be remedied by a post-deprivation hearing. *See Alfaro Herrera v. Baltazar*, No. 1:25-cv-04014, 2026 WL 91470, at *13 (D. Colo. Jan. 13, 2026) (given that holding a bond hearing would prolong his unlawful detention, “[r]espondents’ violations of Petitioner’s rights are best remedied by ordering Petitioner’s immediate release from immigration detention.”); *Qasemi v. Francis*, No. 25-cv-10029, 2025 WL 3654098 at *14, (S.D.N.Y. Dec. 17, 2025) (a bond hearing

¹ See, e.g., *Ibarra v. Warden of the Fed. Det. Ctr. Phila.*, No. 25-6312, 2025 U.S. Dist. LEXIS 232202, at *16 (E.D. Pa. Nov. 25, 2025) (“Mr. Centeno Ibarra has been unlawfully detained under § 1225(b)(2), and his continued mandatory detention violates due process. Because a bond hearing is unnecessary, this Court will order his immediate release.”); *Saidjon Jamolzoda v. Rose*, No. 26-193, 2026 U.S. Dist. LEXIS 17261, at *13 (E.D. Pa. Jan. 29, 2026); *Kashranov v. Jamison*, No. 2:25-cv-05555-JDW, 2025 U.S. Dist. LEXIS 224644, at *20 (E.D. Pa. Nov. 14, 2025) (“Because the Government detained Mr. Kashranov without the bond hearing that Section 1226(a) and the Due Process Clause require, Mr. Kashranov should not now be in custody.”); *Patel v. McShane*, No. 25-5975, 2025 U.S. Dist. LEXIS 228258, at *5 (E.D. Pa. Nov. 20, 2025); *Ibarra v. Warden of the Fed. Det. Ctr. Phila.*, No. 25-6312, 2025 U.S. Dist. LEXIS 232202, at *16 (E.D. Pa. Nov. 25, 2025) (“Mr. Centeno Ibarra has been unlawfully detained under § 1225(b)(2), and his continued mandatory detention violates due process. Because a bond hearing is unnecessary, this Court will order his immediate release.”). See also *Moctezuma v. Henkey*, No. 1:25-CV-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that the government’s repeated use of unlawful detention policies across the country, causing petitioners to “sit in jail waiting for a judicial decision,” the court would order immediate release instead of causing additional delay through a bond hearing) (citing *Lepe v. Andrews*, 801 F. Supp. 3d 1104 (E.D. Cal. 2025); *J.U. v. Maldonado*, No. 25-cv-4836, 2025 WL 2772765, at *10 (E.D.N.Y. Sept. 29, 2025); *Rosado v. Figueroa*, No. 25-cv-2157, 2025 WL 2337099, at *19 (D. Ariz. Aug. 11, 2025); *Pinchi v. Noem*, No. 25-cv-05632, 2025 WL 1853763, at *4 (N.D. Cal. July 4, 2025).

would not be an adequate remedy for the due process violations in petitioner’s sudden arrest and detention); *Crespo Tacuri v. Genalo*, No. 25-cv-06896, 2026 WL 35569, at *7 (E.D.N.Y. Jan. 6, 2026) (ordering release, finding that post-deprivation review cannot remedy the due process violation of detaining petitioner with no process or individualized assessment); *Moctezuma Macias v. Henkey*, No. 1:25-CV-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that the government’s repeated use of unlawful detention policies across the country, causing petitioners to “sit in jail waiting for a judicial decision,” the court would order immediate release instead of causing additional delay through a bond hearing). Thus, immediate release is the only appropriate remedy where re-detention violates Petitioner’s substantive and procedural due process rights.

III. Respondents Cannot Guarantee a Fair and Impartial Bond Proceeding

Due process requires that immigration detention “bear a reasonable relation to the purpose for which the individual was committed.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Specifically, immigration detention must be reasonably related to the government’s goals of preventing flight and protecting the community from harm, and be accompanied by adequate procedural protections to ensure that those goals are being served. *See Zadvydas*, 533 U.S. at 690-91. Chief among these procedural protections is “the guarantee of an impartial and disinterested tribunal,” which the Due Process Clause requires “in both civil and criminal cases.” *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980).

As discussed in the underlying petition, immigration courts are consistently failing to comply with the most basic requirements of due process and denying bond on dishonest and superficial grounds related to flight risk. Due process is further undermined by the immigration court’s failure to provide basic constitutional protections, including adequate interpretation. In a

recent decision on a motion to enforce after a successful habeas petition, a court in this District held that “based on the undisputed evidence of record, Petitioner has established that he was unfairly prejudiced at his bond hearing by a lack of competent translator.” *A.D. v. Oddo*, Civil Action No. 25-460J, Memorandum Order at 7-8 (W.D. Pa. Feb. 12, 2026). In that case, the immigration judge relied on the petitioner’s statements made without a translator to find that the petitioner was a flight risk. In the motion to enforce, the Court ordered the petitioner released from immigration detention: “Respondents shall RELEASE Petitioner from immigration detention FORTHWITH.” *Id.*

IV. Conclusion

Petitioner submits that immediate release is the most appropriate remedy for his unlawful detention. “Without a legitimate interest in her detention, immediate release appropriately remedies Respondents’ violation of her due process rights through her continued detention.” *Santiago v. Noem*, No. EP-25-CV-361, 2025 WL 2792588, at *13-14 (W.D. Tex. Oct. 2, 2025).

Date: March 4, 2026

Signed,

/s/ Caitlin Barry

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CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Reply using the CM/ECF system.

/s/ Caitlin Barry

Caitlin Barry

Dated: March 4, 2026