U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, NY 11201

By ECF

March 16, 2026

Honorable Ann M. Donnelly
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Villatoro v. Shanahan, et al.*, No. 26-cv-1210 (Donnelly, J.)

Dear Judge Donnelly:

This Office represents Respondents in the above-captioned case. Respondents write in response to the Court's Order, dated March 12, 2026, directing Respondents to respond to Petitioner's novel Fourth Amendment arguments by March 16, 2026.

While Petitioner's Fourth Amendment claim is not clear, he appears to argue that: (1) his Fourth Amendment rights were violated because the officers' articulation that he matched the physical description and photograph" of a suspect does not meet the standard of specificand articulable facts; (2) a vehicle registration check does not provide reasonable suspicion of immigration violations; and (3) the administrative warrant was obtained after the alleged Fourth Amendment violation. Dkt No. 10.

Despite these threadbare arguments, Petitioner's claims arising from alleged constitutional violations of his Fourth Amendment rights fail because his civil detention was a reasonable and lawful exercise of federal immigration authority.

As the Supreme Court recognized in *Abel v. United States*, 362 U.S. 217 (1960), administrative arrests for deportation have a long-standing statutory history and are distinct from arrests for criminal offenses. The Supreme Court held that that "[s]tatutes authorizing administrative arrest to achieve detention pending deportation proceedings have the sanction of time. It would emphasize the disregard for the presumptive respect the Court owes to the validity of Acts of Congress, especially when confirmed by uncontested historical legitimacy, to bring into question for the first time such a long-sanctioned practice of government at the behest of a party who not only did not challenge the exercise of authority below, but expressly acknowledged its validity." *Abel*, 362 U.S. at 230. Petitioner's arrest was not a criminal arrest, nor an action that required some evidence of wrongdoing on Petitioner's part; rather, it was a civil, administrative arrest carried out pursuant to the broad authority granted by Congress to enforce the nation's immigration laws.

It is undisputed that Petitioner is an alien seeking an admission, and his discretionary parole had long expired. His detention under those circumstances was lawful. As discussed at length *supra*, the INA grants the executive branch the authority to arrest and detain noncitizens during the course of removal proceedings. Petitioner's arrest was a straightforward exercise of this statutory power. Accordingly, Petitioner's Fourth Amendment claim fails.

Thank you for the Court's time and attention to this matter.

As a separate matter, the undersigned respectfully informs the Court that he will not be in the Office from March 16, 2026 through March 20, 2026, for the end of Ramadan and Eid holidays, and respectfully requests that the Court not set any deadlines in that time period.

Respectfully submitted,

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