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March 16, 2026

VIA ECF FILING

Honorable Karen Spencer Martson
Judge, United States District Court
5118 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1744

**Re: Remano Jamoy Carter v. Warden, Philadelphia Federal
Detention Center, *et al.*
Civil Action No. 2:26-cv-1617-KSM**

Dear Judge Marston:

Please accept this letter brief in response to the Court's March 13, 2026 Order and telephone conference in which the Court asked Respondents to advise the Court if this case is factually and legally the same as the other recent cases decided by this Court. At the telephone conference, Respondents' counsel believed this to be an expedited removal detention under 8 U.S.C. § 1252(b)(1). However, review of Petitioner's file indicates that while Petitioner was intercepted at the southern border, he was issued a Notice to Appear (ECF 1, Petition for Writ of Habeas Corpus - Ex. A) prior to a credible fear interview. That makes his basis for detention as 8 U.S.C. § 1225(b)(2)(A).

At the time the habeas petition was filed, petitioner Remano Jamoy Carter was detained at FDC Philadelphia before being transferred to the Moshannon Valley Processing Center, where he currently remains. As represented in the telephone conference, Respondents' do not challenge jurisdiction. Petitioner's transfer occurred before the Court issued its order to keep him in this District. (ECF 2). Ultimately, Petitioner seeks release from

immigration detention.

Though Respondents oppose the Petition, they concede that this matter is legally and factually similar to recent cases decided by this Court. *See e.g. Cabeza Cordero v. J. L. Jamison*, Civil Action No: 26-534 (EDPa 2026). Respondents nevertheless respectfully remain of the view that their legal positions are correct and therefore—despite the great weight of contrary decisions by this Court and in this District—incorporate the arguments made in those cases into this letter brief.¹ Respondents further argue that Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2) and the BIA’s precedential decision in *Q. Li*.

Additionally, Respondents note — acknowledging that this Court has already considered and disagreed with — the U.S. Court of Appeals for the Fifth Circuit’s precedential decision in *Buenrostro-Mendez v. Bondi*, __F.4th__, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026), which reversed two district courts and held that 8 U.S.C. § 1225(b)(2)(A) requires the mandatory detention of noncitizens “seeking admission” to the United States, with no right to bond hearings.

The United States respectfully asks the Court to deny the Petition.

Respectfully submitted,

DAVID METCALF
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/s/ Anthony St. Joseph
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cc: David M. Bercovitch, Esq.

¹ The government is pursuing appeals in the Third Circuit, related to both statutory and constitutional due-process claims, in *Lopes De Andrade v. Director Philadelphia Field Office Immigration and Customs Enforcement, et al.*, No. 26-1454 (3d Cir.), and *Buele Morocho v. Warden Philadelphia FDC, et al.*, No. 26-1150, which are now consolidated for all purposes. The consolidated opening brief is due March 20. Further, the Third Circuit granted the government’s motion to expedite the consolidated appeals and scheduled them for disposition by the Court during the week of May 11, 2026.