



U.S. Department of Justice

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VIA ECF FILING

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

Re: Kevin Paredes-Pop v. Jamison, et al. (Case No. 2:26-cv-01656-KSM)

Dear Judge Marston:

Please accept this letter brief in response to the Court's March 13, 2026 email that Respondents advise the Court of "any circumstances that differentiate this case from recent others" before Your Honor. At the time the habeas petition was filed, petitioner Kevin Paredes-Pop was detained at FDC Philadelphia before being transferred to the Moshannon Valley Processing Center ("Moshannon") prior to the entry of the Court's Do Not Transfer Order, where he currently remains. Petitioner seeks release from immigration detention. Counsel for Petitioner does not object to Petitioner staying at Moshannon while the petition is adjudicated. Respondents are not contesting this District's jurisdiction over the petition.

Though Respondents oppose the Petition, they concede that this matter is legally and factually similar to recent cases decided by this Court, including the *Cuji-Vimas* decision issued on February 11, 2026, where the basis for detention was likewise the BIA's *Hurtado* case. 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

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*

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
United States Attorney

/s/ Fernando I. Rivera
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Assistant United States Attorney

cc: all counsel of record (via ECF)

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.