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April 1, 2026

VIA ECF FILING

Honorable Chad F. Kenney
Judge, United States District Court
11613 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1744

**Re: Macedonio Aparicio Del Rosario v. John Rife, in his
official capacity as ICE Field Director, *et al.*
Civil Action No. 2:26-cv-01958**

Your Honor:

Please accept this letter brief in response to the Court's March 26, 2026 Order that Respondents advise the Court whether "Respondents view this case as containing meaningfully distinguishable facts from such prior cases, [and if so] Respondents shall file a brief letter response explaining the distinguishing facts." ECF docket no. 2.

Though Respondents oppose the Petition, they concede that this matter is legally and factually similar to recent cases decided by this Court, including those the Court mentions in its March 26, 2026 order, referred to above. 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. The matters on appeal are *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 (3d Cir.), which are now consolidated for all purposes. The Government's consolidated opening brief was filed on March 20, 2026. 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.

Additionally, Respondents note — acknowledging that this Court has already considered and disagreed with — two courts of appeals to have squarely considered the argument, the Fifth and Eighth Circuit Courts of Appeals, and have agreed with the government. *See Avila v. Bondi, et al.*, --- F.4th ---, 2026 WL 819258, at *3 (8th Cir. Mar. 25, 2026) (concluding that “the structure of § 1225(b)(2)(A) does not indicate that ‘seeking admission’ is a separate requirement for detention under the statute.”); *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502 (5th Cir. 2026) (“The everyday meaning of the statute’s terms confirms that being an ‘applicant for admission’ is not a condition independent from ‘seeking admission.’”), which reversed the 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. Respondents further argue that Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2) and the BIA’s precedential decision in *Hurtado*.

Petitioner is detained at the Federal Detention Center in Philadelphia. Respondents note that, should the Court order a bond hearing, such a hearing can only occur at the Moshannon Valley facility as the Philadelphia facility does not have the capabilities to host a bond hearing. Therefore, Petitioner will need to be transferred to Moshannon Valley for such a hearing.

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

Very truly yours,

DAVID METCALF
United States Attorney

/s/ Viveca D. Parker
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cc: Fiona Powell, Esq.