



U.S. Department of Justice

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By ECF

Honorable LaShann DeArcy Hall
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

April 10, 2026

Re: *Moreno-Rojas v. Maldonado, et al.*, No. 26-cv-1985 (DeArcy Hall, J.)

Dear Judge DeArcy Hall:

This Office represents Respondents in this habeas case, in which Petitioner Fidel Moreno-Rojas ("Petitioner") challenges his detention by ICE. *See* ECF No. 1. Respondents submit this response in accordance with the Court's Order to Show Cause dated April 3, 2026, which directed the Respondents to submit a letter "why the Petition should be denied or indicating whether the Petition is controlled by this Court's prior rulings on the petitions in *Caivanagua Sanchez v. Genalo, et al.*, No. 26-cv-476 (E.D.N.Y. Jan. 28, 2026), *Estrada Alfaro v. Genalo*, No. 26-cv-761 (E.D.N.Y. Feb. 10, 2026), and *Singh v. Genalo*, No. 26-cv-937 (E.D.N.Y. Feb. 17, 2026)."

This case turns on ICE's statutory detention authority and whether Petitioner is entitled to a bond hearing. Because this Court has previously ruled on these central legal issues in *Caiavanagua Sanchez*, and *Estrada Alfaro*, and *Singh*, as discussed below, and while reserving all rights—including the right to appeal—Respondents submit this letter in lieu of a formal responsive memorandum of law, to conserve judicial and party resources, and to expedite the Court's consideration of this case.

Relevant Facts

Petitioner, a citizen and national of Mexico, unlawfully entered the United States on a date and place unknown, without being inspected or paroled into the United States. Petitioner was encountered by ICE on March 15, 2026, in New York, New York. He was not a targeted subject, but, upon approach, he provided the officers a name and a date of birth and freely admitted he was born in Mexico and is a citizen of Mexico. ICE officers conducted a record check and determined that Petitioner has no status in the United States and issued a Form I-200, Warrant for Arrest. ICE took Petitioner into custody pursuant to the arrest warrant.

ICE took Petitioner to Bellevue Hospital for a "fit for confinement" checkup. After being cleared by the medical professionals, Petitioner was taken to 26 Federal Plaza, New York, New York, for further processing. That same day, March 15, 2026, Petitioner requested and was granted a voluntary departure. ICE served Petitioner with Forms I-200, Warrant for Arrest of Alien; I-210, Voluntary Departure and Verification of Departure (in English and in Spanish); I-210 Addendum (in English and in Spanish); I-213, Record of Deportable/Inadmissible Alien; and the Online Detainee Locator System (ODLS) Privacy Notice (in English and in Spanish).

On March 30, 2026, ICE transferred to the Metropolitan Detention Center (“MDC”), located in Brooklyn, New York.

On April 9, 2026, Petitioner, through counsel, withdrew his acceptance of Voluntary Departure. Following the withdrawal, ICE issued a Notice to Appear and filed it with the Executive Office of Immigration Review, placing Petitioner in removal proceedings. Petitioner remains detained at the Metropolitan Detention Center pursuant to 8 U.S.C. § 1225(b)(2)(A).

Habeas Petition

Petitioner commenced this action on April 3, 2026. ECF No. 1. Petitioner argues that his mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A) violates the Immigration and Nationality Act, his procedural due process rights, the Fourth Amendment, and the Administrative Procedure Act. *See* ECF No. 1. Petitioner also argues that he should be deemed detained pursuant to 8 U.S.C. § 1226 and seeks either immediate release or a bond hearing. *See* ECF No. 1, ¶ 68 and Prayer for Relief.

This Court’s Previous Decisions

Respondents are cognizant that in *Caivanagua Sanchez*, *Estrada Alfaro*, and *Singh*, this Court held that the detentions of the petitioners in those actions “w[ere] governed by 8 U.S.C. § 1226,” and they violated due process for lack of a bond hearing “in view of the considerations set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976).” Respondents respectfully disagree with the Court’s rulings in *Caivanagua Sanchez*, *Estrada Alfaro*, and *Singh*.¹

Discussion

While Respondents respectfully disagree with the Court’s decisions in *Caivanagua Sanchez*, *Estrada Alfaro*, and *Singh*, they acknowledge that those decisions would control the result in this case if the Court adheres to those decisions, as the facts of this case are materially indistinguishable from those of *Caivanagua Sanchez*, *Estrada Alfaro*, and *Singh*. Thus, to conserve judicial resources and to expedite the Court’s consideration of this case, the Respondents hereby rely upon, and incorporate by reference, the legal arguments presented by the Government in

¹ Other courts in this Circuit had endorsed the government’s interpretation of the relevant statutory provisions, *see id.* at *3, a group which still more courts—including one from this District—have since joined. *See Saamishvili v. Flanagan*, No. 25-cv-6178, 2026 WL 377574 (E.D.N.Y. Feb. 11, 2026) (Cogan, J.); *Portilla Hernandez v. Noem*, No. 25-cv-10393, 2026 WL 836735, at *3 (S.D.N.Y. Mar. 26, 2026) (Halpern, J.); *Changgeng Chen v. Almodovar, et al.*, No. 25-9995, 2026 WL 507707 (S.D.N.Y. Feb. 24, 2026) (Cronan, J.); *Alvarado Quezada v. Francis*, No. 26-387, 2026 WL 380711 (S.D.N.Y. Feb. 11, 2026) (Cronan, J.); *Arana v. Arteta*, No. 26-240, 2026 WL 279786 (S.D.N.Y. Feb. 3, 2026) (Woods, J.); *Acosta v. Arteta*, No. 25-9916, 2026 WL 263470 (S.D.N.Y. Feb. 2, 2026) (Vyskocil, J.); *Espinoza Lopez v. Noem*, No. 26-345, 2026 WL 266597 (S.D.N.Y. Feb. 2, 2026) (Rearden, J.); *Perez Quintero, v. Francis*, No. 25-10107, 2026 WL 265921 (S.D.N.Y. Feb. 2, 2026) (Vyskocil, J.); *Weng v. Genalo*, No. 25-09595, 2026 WL 194248 (S.D.N.Y. Jan. 25, 2026) (Rearden, J.); *Yinxiao Chen v. Almodovar*, No. 25-9670, 2026 WL 100761 (S.D.N.Y. Jan. 14, 2026) (Cronan, J.); *Liang v. Almodovar*, No. 25-9322, 2025 WL 3641512 (S.D.N.Y. Dec. 15, 2025) (Vyskocil, J.), *appeal filed*; *Xiaoquan Chen v. Almodovar*, No. 25-8350, 2025 WL 3484855 (S.D.N.Y. Dec. 4, 2025) (Vyskocil, J.), *appeal filed*. In addition, Respondents note that the only two court of appeals to issue a merits decision interpreting the relevant statutory provisions have agreed with the government’s interpretation. *Avila v. Bondi*, -- F.4th --, No. 25-3248, 2026 WL 819258 (8th Cir. Mar. 25, 2026); *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502-08 (5th Cir. 2026).

Caivanagua Sanchez, Estrada Alfaro, and Singh respectfully submit that the Court can decide this matter without further briefing. However, should the Court prefer to receive a memorandum of law in this matter, Respondents will file such a brief upon the Court's request. Notwithstanding its submission of this letter in lieu of a formal brief, Respondents reserve all rights, including the right to appeal.² Respondents also respectfully submit that no hearing is necessary in this matter.

Accordingly, for the reasons set forth in the government's briefs in *Caivanagua Sanchez, Estrada Alfaro, and Singh*, Respondents respectfully request that the Court deny this habeas petition.

Respondents thank the Court for its time and consideration of this request.

Respectfully submitted,

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² In addition to pending appeals by petitioners regarding the denials of habeas petitions, the government has appealed the grant of a habeas petition in *Da Cunha v. Moniz*, No. 25-cv-6532 (W.D.N.Y. Nov. 25, 2025) (concluding, *inter alia*, that Section 1226(a), not Section 1225(b)(2)(A), applied), *notice of appeal filed* Dec. 11, 2025, No. 25-3141 (2d Cir.). The Second Circuit granted the government's motion to expedite the appeal. *See Cunha v. Moniz*, No. 25-3141 (2d Cir.) Jan. 30, 2026 Order. Briefing was completed on March 3, 2026; oral argument was held on April 6, 2026, *see id.* Mar. 6, 2026 Order; and the Second Circuit reserved decision.