



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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Brooklyn, New York 11201
April 9, 2026

By ECF

Honorable Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Arango Carmona v. Maldonado, et al.*
Civil Action No. 26-cv-2005 (Chen, J.)

Dear Judge Chen:

This Office respectfully submits this letter brief on behalf of the Respondents in accordance with the Court's Order of April 6, 2026, concerning the petition for a writ of habeas corpus ("Petition") filed by Eliseo Antonio Arango Carmona ("Petitioner"). This Office encloses the following documents received from Immigration and Customs Enforcement ("ICE"): a Notice to Appear ("NTA") dated September 29, 2024 (Exhibit "A"); a Form I-200 Warrant for Arrest dated September 29, 2024 (Exhibit "B"); a Notice of Custody Determination dated September 29, 2024 (Exhibit "C"); an Order of Release on Recognizance (Exhibit "D"); a Form I-200 Warrant for Arrest dated February 14, 2026 (Exhibit "E"); notices of rights and information (Exhibit "F"); a Notice to EOIR (Exhibit "G"); a Notice of Fee Assessment (Exhibit "H"); a Form I-213, Record of Deportable/Admissible Alien dated September 29, 2024 (Exhibit "I"); a Form I-213, Record of Deportable/Admissible Alien dated February 14, 2026 (Exhibit "J"); and Property Receipts (Exhibit "K").¹

Relevant Facts

In brief, the Petition alleges that the Petitioner entered the United States from Mexico in 2024 without inspection, that the Petitioner was released on his own recognizance, and applied for asylum. *See* Petition at ¶ 15.

ICE records indicate that U.S. Border Patrol encountered the Petitioner on September 29, 2024 near San Diego after the Petitioner entered the country the previous day. *See* Exhibits H and I. An NTA was issued charging that the Petitioner was subject to removal pursuant to Section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA"), *see* Exhibit A, and Petitioner was released on an Order of Recognizance, *see* Exhibits C, D, H and I. ICE records further indicate that the Petitioner was arrested on February 14, 2026, *see* Exhibits E and J, and issued notices of

¹ Information has been redacted from some of the documents for privacy reasons.

rights and information, *see* Exhibit F. A notification of Petitioner's address was sent to EOIR, *see* Exhibit G, the Petitioner received a Notice of Fee Assessment, *see* Exhibit J, and ICE took custody of certain of Petitioner's property, *see* Exhibit K.

The Petitioner's Claims

In brief, the Petition asserts claims based on alleged violations of the INA (First Claim for Relief), regulations promulgated under the INA (Second Claim for Relief), and due process (Third Claim for Relief). Petition at ¶¶ 46-56. It seeks the Petitioner's release from detention and other relief. *Id.* at pages 18-19.

Discussion

The Respondents contend the Petitioner is subject to mandatory detention pursuant to § 1225(b)(2)(A). In response to the Court's inquiry concerning what distinguishes this case from cases in which petitioners residing in the United States for several years were found to be improperly detained pursuant to 8 U.S.C. § 1225(b)(2)(A), the Respondents state that they acknowledge those cases, including Your Honor's decisions in *R.A.R.R. v. Almodovar*, No. 25-cv-6597 (E.D.N.Y. Dec. 19, 2025) (Chen, J.) and *Yin v. Maldonado*, No. 26-cv-0103 (E.D.N.Y. Feb. 4, 2026) (Chen, J.), though they and respectfully disagree with the decisions.²

The Respondents thank the Court for its consideration of their arguments.

Respectfully submitted,

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² The Respondents note that other decisions have adopted the Respondents' position. *See, e.g., Saamishvili v. Flanagan*, No. 25-cv-6178, 2026 WL 377574 (E.D.N.Y. Feb. 11, 2026) (Cogan, J.), *appeal filed* Feb. 12, 2026, and *Quezada v. Francis*, No. 26 Civ. 387, 2026 WL 380711 (S.D.N.Y. Feb. 11, 2026) (Cronan, J.). The Respondents also note that their position has been adopted by the Fifth Circuit, *see Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 501-08 (5th Cir. 2026), and the Eighth Circuit, *see Joaquin Herrera Avila v. Bondi et al.*, No. 25-3248, WL 819258 (8th Cir. March 25, 2026). Respondents reserve all rights in this case, including the right to appeal.

Exhibits to Respondents' Letter Brief