



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*610 Federal Plaza
Central Islip, New York 11722*

April 11, 2026

Honorable Nusrat J. Choudhury
United States District Court Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Sherika Wright v. Mullin, et al.*
No. 26-cv-2114 (Choudhury, J.)

Dear Judge Choudhury:

This Office represents Respondents in the above-referenced action, in which Petitioner Sherika Wright ("Petitioner") filed a Petition for a writ of habeas corpus on April 10, 2026, challenging her detention by Immigration and Customs Enforcement ("ICE"). *See* Docket Entry ("DE") # 1. Respondents respectfully submit this letter in response to the Stay of Removal and Order to Show Cause entered on April 10, 2026 (DE # 5) (the "Order"), requiring Respondents to provide certain information identified by the Court by April 11, 2026, at 10:00 a.m.

Petitioner is a native of Jamaica and has been assigned A# [REDACTED]. Petitioner is currently detained at 26 Federal Plaza, New York, New York. *See* Declaration of ICE Acting Supervisory Detention and Deportation Officer ("SDDO") John Keane submitted herewith. Petitioner was initially detained for processing at 100 Carman Avenue, East Meadow. As of the filing of this letter, there is no indication that she will be detained in the Central Islip Hold Room other than as required to produce her for the hearing scheduled to be conducted on April 14, 2026. In the event Petitioner is detained after April 14, 2026, there is a possibility that she will be transferred. ICE has been made aware of the Court's order prohibiting transfer of Petitioner to a facility outside of this district, the Southern District of New York or the District of New Jersey and has advised that she will not be transferred outside thereof prior to the Court's scheduled hearing on April 14, 2026. In the event Petitioner is transferred, this Office will promptly notify Petitioner's counsel. While detained at 26 Federal Plaza, Petitioner's counsel may call 212-436-9232 to arrange a phone call with Petitioner.

According to the attached declaration, Petitioner entered the United States without inspection on or about March 20, 2023. She was encountered by U.S. Customs and Border Protection and served with a Form I-862 Notice to Appear ("NTA"). Petitioner was subsequently released on her own recognizance. A superseding NTA was issued. After proceedings in Immigration Court, Petitioner's removability was sustained and a final merits hearing is scheduled for August 24, 2026.

On April 9, 2026, Petitioner was arrested by the Nassau County Police Department for a charge of Grand Larceny in the Fourth Degree, a Class E felony, in violation of New York State Penal Law, Section 155.30 (1). Petitioner was thereafter detained pursuant to Immigration and Nationality Act section 8 U.S.C. § 1225(b)(2)(A) and 8 U.S.C. § 1226(c)(1)(E).¹

A. Detention Authority

The statutory basis for detaining Petitioner is 8 U.S.C. § 1225(b)(2)(A). The legal issues presented concern whether Petitioner's detention violates her due process protections and the statutory authority for ICE's detention of Petitioner. While reserving all rights, including the right to appeal, Respondents submit that this Court has already ruled on the principal legal issues herein in *Rodriguez-Acurio v. Almodovar*, No. 25-cv-6065, 2025 WL 3314420 (E.D.N.Y. Nov. 28, 2025) ("*Rodriguez-Acurio*"), and other matters such as *Castellon v. Doe, et al.*, No. 26-cv-0647, Memorandum and Order entered February 7, 2026 (ECF Dkt. # 13) ("*Castellon*"); *Covelli-Chaparro v. Bondi, et al.*, No. 26-cv-0118, Opinion and Order entered January 15, 2026 (ECF Dkt. # 13) ("*Covelli-Chaparro*") *Acevedo v. Nassau Correctional Center, et al.*, No. 26-cv-0250, Minute Entry and Order entered January 28, 2026 ("*Acevedo*") and *Caraguay v. Larocco*, No. 26-cv-0569, Memorandum and Order entered on February 4, 2026 (ECF Dkt. # 15) ("*Caraguay*"). While the Government respectfully disagrees with the Court's decisions in *Rodriguez-Acurio*, *Castellon*, *Covelli-Chaparro*, *Acevedo* and *Caraguay*, the Government acknowledges that the 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 in *Rodriguez-Acurio*. Accordingly, Respondents adopt the Government's Memorandum of Law in *Rodriguez-Acurio* (ECF Dkt. # 14).

Notwithstanding, Respondents note that a number of decisions in this Circuit have endorsed the Government's interpretation of the relevant statutory provisions, including the decision in *Saamishvili v. Flanagan*, No. 25-cv-6178, 2026 WL 377574 (E.D.N.Y. Feb. 11, 2026) (Cogan, J.), *appeal filed*. See also, e.g. *Chen v. Almodovar, et al.*, No. 25-cv-8350, 2025 WL 3484855, at *7 (S.D.N.Y. Dec. 4, 2025) (Vyskocil, J.), *notice of appeal filed*; *Liang v. Almodovar*, No. 25-cv-9322, at *4-11 (S.D.N.Y. Dec. 15, 2025) (Vyskocil, J.); *Chen v. Almodovar*, 25-cv-9670, 2026 WL 100761, at *8-9 (S.D.N.Y. Jan. 14, 2026) (Cronan, J.); *Weng v. Genalo et al.*, No. 25-cv-09595, 2026 WL 184627, at *1 (S.D.N.Y. Jan. 23, 2026) (Rearden, J.) ("Having considered the statutory text and other relevant authorities, the undisputed facts of this case, and the parties' submissions and oral arguments, the Court concludes that Petitioner's detention is governed by Section 1225."); *Arana v. Arteta*, 26-cv-240, 2026 WL 279786 (S.D.N.Y. Feb. 3, 2026) (Woods, J.) On February 6, 2026, the Court of Appeals for the Fifth Circuit, held that the government's interpretation of 8 U.S.C. § 1225 was correct. *Buenrostro-Mendez v. Bondi*, 166 F. 4th 494 (5th Cir. 2026). (A petition for rehearing *en banc* was filed on March 23, 2026.) And on March 25, 2026, the Eighth Circuit Court of Appeals held that the government's interpretation of 8 U.S.C. § 1225, which mandates detention of non-citizens falling under its scope, is correct. See *Joaquin Herrera Avila v. Bondi et al.*, No. 25-cv-3248, 2026 WL 819258, *4 (8th Cir. Mar. 25, 2026)

¹ Respondents note that Exhibit D and E, the I-200 Arrest warrant dated April 9, 2026, referenced in the Declaration inadvertently referred to the same document.

(“While ultimately ‘Congress’s purpose matters far less than what it wrote,’ the purpose here nevertheless ‘confirms what the statutory text already makes clear,’ which is that § 1225(b)(2)(A) mandates the detention of unadmitted aliens already present inside the United States.”) (quoting *Buenrostro-Mendez*, 166 F.4th at 508).²

Nonetheless, to conserve judicial resources and to expedite the Court’s consideration of this case, the government respectfully adopts its previous arguments in *Rodriguez-Acurio* and submits that the Court can decide this matter without further briefing or additional hearings. 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 their submission of this letter in lieu of a formal brief, Respondents reserve all rights, including the right to appeal.

Respondents thank the Court for its consideration of this submission.

Respectfully submitted,

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² Notices of appeal were filed in two similar cases, *Da Cunha v. Moniz*, 25-cv-00867 (W.D.N.Y.) and *Chen v. Almodovar*, 25-8350 (S.D.N.Y.) In addition to the pending appeals by petitioners regarding the denials of habeas petitions as noted above, the Government has affirmatively appealed the grant of a habeas petition in *Cunha v. Moniz*, 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 *Da Cunha* appeal was argued on April 6, 2026.