



United States Attorney
Eastern District of New York

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April 22, 2026

BY ECF

Honorable Nina R. Morrison
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Akhmadaliev v. Maldonado, et al.*, No. 26-cv-2345 (Morrison, J.)

Dear Judge Morrison:

This Office represents the Respondents in this habeas case, in which Petitioner Dzahsur Akhmadaliev challenges his detention by U.S. Immigration and Customs Enforcement ("ICE"). See ECF No. 1. Respondents write respectfully in response to the Court's April 20, 2026 Order directing Respondents to file a letter by April 22, 2026 at 9:00 a.m. stating, *inter alia*, whether there is "any basis to distinguish the asserted grounds for detention in this case" from this Court's decision in *Hyppolite v. Noem*, 808 F. Supp. 3d 474 (E.D.N.Y. 2025) (Morrison, J.), and whether the conference scheduled for April 30, 2026 is necessary. See ECF No. 4.

While reserving all rights, including the right to appeal, Respondents submit this letter in lieu of a formal memorandum of law to conserve judicial and party resources and to expedite the Court's consideration of this case, in light of Your Honor's decision in *Hyppolite*. Respondents respectfully submit that a conference is not necessary.

A. Relevant Facts

On December 9, 2022, Petitioner (~~XXXXXXXXXX~~), a citizen of Russia, was paroled into the United States in Dublin, Ireland by the U.S. Customs and Border Protection pre-clearance, with authority to remain in the United States until December 7, 2024. Petitioner did not submit a request for the extension of his parole six months before the expiration of his period of parole, as required.

On July 15, 2025, ICE officers arrested Petitioner and detained him pursuant to 8 U.S.C. § 1225(b)(2)(A). That same day, Petitioner was placed into removal proceedings with the issuance and filing of a Notice to Appear ("NTA"), Form I-862, charging him as inadmissible pursuant to Section 212(a)(7)(A)(i)(I) of the INA as being an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other travel document as required under the regulations.

On January 15, 2026, an immigration judge ordered Petitioner removed from the United States to Russia. See [REDACTED] ([REDACTED]). Petitioner appealed the [REDACTED] to the Board of Immigration of Appeals, and his appeal is currently pending.

Petitioner has never been admitted to the United States and remains detained pursuant to 8 U.S.C. § 1225(b)(2)(A).

B. Habeas Petition

Petitioner commenced this action on April 20, 2026. See ECF No. 1 (“Pet.”). He argues that his detention violates his due process rights. *Id.* He asks the Court to, *inter alia*, issue a writ of habeas corpus directing Respondents to provide him, within seven days of this Court’s order, a constitutionally adequate, individualized bond hearing where DHS bears the burden of establishing by clear and convincing evidence that continued detention is justified. *Id.* at 11

C. *Hyppolite*

The basis for Petitioner’s detention is that, because he has not been admitted to the United States, he remains an applicant for admission and is thus subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Respondents acknowledge, however, that on October 7, 2025, Your Honor issued the *Hyppolite* decision that, *inter alia*, rejected the government’s position as to the scope of 8 U.S.C. § 1225(b)(2)(A). Your Honor found that the *Hyppolite* petitioner was detained under 8 U.S.C. § 1226(a), not § 1225(b)(2)(A), because, among other things: (i) the Court interpreted Section 1225 to apply only to those “*presently* seeking to enter the United States, and not those, like *Hyppolite*, who have lived in the country for almost three years,” and (ii) the mandatory detention provisions of the Laken Riley Act (“LRA”), Pub. L. 119-1, 139 Stat. 3 (2025), would be superfluous under the government’s reading of § 1225(b)(2)(A). *Hyppolite*, 808 F. Supp. 3d at 484-90. Your Honor held that the *Hyppolite*’s detention violated due process because, as an alien subject to § 1226, he should have received an individualized determination prior to his detention in accordance with § 1226(a). *Id.* at 491-94.

D. Discussion

While Respondents respectfully disagree with this Court’s decision in *Hyppolite*, Respondents acknowledge that the Court will grant the Petition in this case if it adheres to its reasoning in *Hyppolite*. Petitioner’s detention is based on ICE’s position as to the scope of 8 U.S.C. § 1225(b)(2)(A), which Your Honor rejected in *Hyppolite*. Therefore, to conserve party and judicial resources and to expedite the Court’s consideration, Respondents rely upon, and incorporate by reference, the legal arguments the government presented in *Hyppolite*¹ and respectfully submit that the Court can decide this matter without further briefing or argument.

¹ Specifically, Respondents incorporate by reference the arguments raised in the Government’s opposition brief in *Hyppolite*, ECF No. 17.

Notwithstanding its submission of this letter in lieu of a formal brief, Respondents reserve all rights, including the right to appeal.²

E. Conclusion

Accordingly, for the reasons set forth in the Government's brief in *Hyppolite*, Respondents respectfully request that the Court deny the habeas petition. Further, given that the Court has previously addressed the central legal dispute in this case, Respondents respectfully submit that the hearing scheduled for April 30, 2026 is not necessary and respectfully request that the hearing be adjourned *sine die*.

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. Freden*, No. 25-CV-6532-MAV, 2025 WL 3280575, at *1 (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*, No. 25-3141 (2d Cir. Dec. 11, 2025). 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, and oral argument was held on April 6, 2026.