



U.S. Department of Justice

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May 20, 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: *Kuprashvili by Tilley v. MDC Brooklyn*,
Civil Action No. 26-cv-02581 (NRM)

Dear Judge Morrison:

This letter is respectfully submitted on behalf of Respondents in this immigration habeas action with respect to these recent filings by Petitioner Temuri Kuprashvili ("Petitioner"): (1) the document styled as "Emergency Motion for Bond Hearing or Release Pursuant to 28 U.S.C. § 2241 and *Cunha v. Freden*, No. 25-3141 (2d Cir. April 28, 2026)" (ECF Doc. 5) ("Second EDNY Petition"); (2) Petitioner's Opposition to Respondents' Letter Opposing a Stay of Removal (ECF Doc. 6); and (3) Petitioner's Response to the Court's May 8, 2026 Order Regarding Next-Friend Standing and Opposition to Stay (ECF No. 7).

The Second EDNY Petition must be denied. Petitioner continues to abuse the writ of habeas corpus. As set forth in Respondents' response to the "Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Emergency Motion for Temporary Restraining Order and Preliminary Injunction" dated May 7, 2026 (ECF Doc. 2) ("First EDNY Petition"), Petitioner has a final order of removal and is being detained pursuant 8 U.S.C. § 1231. *See* ECF Doc. 4 at 1-2. The habeas petition that Petitioner filed in the Southern District of New York was denied on April 20, 2026. *Kuprashvili v. Flanagan, et al.*, No. 25-CV-05268 (PAE), 2026 WL 1067217 (Apr. 20, 2026). *See id.* at 1-2. Petitioner filed an appeal with the Court of Appeals for the Second Circuit the same day. *See id.* at 2. On April 29, Petitioner's motion for stay of removal pending disposition of the appeal and release from detention was referred to a three-judge panel; the referral order denied Petitioner a temporary stay of removal pending decision by a panel. *See id.* Petitioner filed the First EDNY Petitioner the next day.

The claims that Petitioner raises in the First EDNY Petition and is raising in the Second EDNY Petition are the same as those in the case now on appeal. *See* ECF Doc. 4. This is the quintessence of an abuse of the writ of habeas corpus. *See id.* at 2-3. Respondents have requested that the Court deny the First EDNY Petition and not stay this action pending resolution of the appeal. *See id.* at 1, 3. The Second EDNY Habeas Petition also should be denied for abuse of the writ of habeas corpus.

Moreover, Petitioner's reliance in the Second EDNY Petition on the Second Circuit's recent "*Cunha*" decision and 8 U.S.C. § 1226(a) ("Section 1226(a)") is unavailing. See ECF No. 5 at 1, 3-4. Petitioner is wrong when he asserts that "[h]is facts are indistinguishable" from *Cunha* and the "binding decision" requiring a bond hearing under Section 1226(a) "is dispositive here." ECF No. 5 at 1. Petitioner is not being detained pursuant to 8 U.S.C. § 1225(b)(2), as was Barbosa da Cunha. See *Barbosa da Cunha v. Freden*, No. 25-3141-pr, -- F.4th --, 2026 WL 1146044, at *2 (2d Cir. Apr. 28, 2026) (the immigration judge had denied the request for a bond hearing based on a determination that Barbosa da Cunha was subject to mandatory detention under Section 1225(b)(2)(A), and thus ineligible for bond under Section 1226(a)). Nor is Petitioner being detained pursuant to Section 1226(a) and, therefore, is not entitled to a bond hearing under that statute (or under *Cunha*). Petitioner's detention is pursuant to 8 U.S.C. § 1231, and as, Judge Englemayer held (see *Kuprashavili*, 2026 WL 1067217, at *11-*12), he is not entitled to a bond hearing. Plaintiff simply ignores that he is not being detained under either Section 1225(a)(B)(2) or Section 1226(a).

Petitioner's Opposition to Respondents' Letter Opposing a Stay of Removal misreads Respondents' letter opposing a *stay of this action* pending the outcome of Petitioner's appeal. Instead, Petitioner "opposes" opposition to a *stay of removal* and repeats the arguments in the First EDNY Petition. ECF No. 6. This new filing is a further abuse of the writ of habeas corpus. Further, as noted in Respondents' May 7, 2026 letter and above, Petitioner currently has a motion for a stay of removal pending before the Second Circuit.

Finally, Respondents note that Nona Tilley, Esq., the "Next Friend," is an attorney who purportedly has been representing Petitioner "throughout his removal proceedings." ECF Doc. 7 at II. Yet, Tilley has not, but could have, filed a notice appearance or motion for admission *pro hac vice* instead of seeking "next friend" status.

Thank you for Your Honor's consideration of this submission.

Respectfully submitted,

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