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November 7, 2025

VIA EMAIL AND REGULAR MAIL:
The Honorable Juan R. Sanchez
United States District Court
14613 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1744

RE: Juan Centeno-Martinez *v. Jamison et al.*, (E.D. Pa. Civ. No. 25-03593)

Dear Judge Sanchez:

Thank you for allowing us to provide some supplemental information with respect to the District Cout's ability to conduct its own bond hearing if it were to find a bond hearing appropriate the circumstances of Petitioner's detention.

The Immigration and Nationality Act instructs that "[n]o court may set aside any action or decision by the [Secretary of Homeland Security] under this section regarding the detention of any alien or the revocation or denial of bond or parole." 8 U.S.C. § 1226(e). Therefore, the INA grants to authority to conduct bond hearings to the executive branch. The Secretary has delegated the responsibility to immigration judges ("IJ"). Consistent with that language, courts in this Circuit have repeatedly held that they lack the authority to order the release of a noncitizen subject to mandatory detention. *See Sufi El v. New Jersey*, 2023 WL 4268410, at *3 (D.N.J. June 28, 2023) ("Plaintiff's attempt to seek relief from incarceration by the filing of a motion for preliminary injunction must be denied because the exclusive federal remedy for an inmate challenging the fact or length/duration of his confinement is a petition for a writ of *habeas corpus*."). Rather, "[t]he only remedy for an alien challenging their mandatory detention is a bond hearing." *Davis v. Warden of Pike Cnty. Corr. Facility*, 2022 WL 4391686, at *4 (M.D. Pa. Aug. 18, 2022), *R&R adopted,* 2022 WL 4389543 (M.D. Pa. Sept. 22, 2022).

While courts have often stated that the only remedy for a detainee challenging the length of his detention is a bond hearing, most courts do not specifically address in which forum the bond hearing should take place. Most courts that have found it

appropriate, when deciding that a hearing was required, to direct the IJ to conduct that bond hearing. Some courts have taken the opportunity to hold a hearing itself rather than have the immigration judge hold the individualized bond hearing. *See Leslie v. Holder*, 865 F. Supp. 2d 627 (M.D. Pa. 2012). Petitioner relies upon *Leslie* but the circumstances there are not applicable here. *Leslie* involved extreme circumstances, including a previous and "profoundly flawed" bond hearing conducted by an IJ, *id.* at 632, and a mandate by the Third Circuit that explicitly required the district court "to conduct an individualized bond hearing," *id.* at 634. (But neither the Third Circuit nor the district court considered § 1226(e)'s applicability to the case.) Neither circumstance is present here as the IJ has not yet held a bond hearing at the direction of the district court.

Petitioner favors the Court holding a bond hearing because the immigration courts have a heavy docket. He claims that the Court would provide a better forum for Centeno-Martinez, because some IJs have not provided constitutionally adequate hearings, such as the situation in *Leslie* discussed above. Petitioner's Supplemental Brief at 1-2. But this is putting the cart before the horse as Centeno-Martinez has not yet had an IJ bond hearing that can be criticized as inadequate. Petitioner cites cases in which the district court found that the IJ had not conducted constitutionally adequate hearings, but those are inapplicable to this case where the IJ has not held such a hearing. *But see Tropskii v. Bondi,* 2025 WL 3016518 at *7 (E.D.Pa. October 28, 2025) (Judge Scott).[1]

The Court should follow the language of the INA that gives authority to the executive branch and that authority is delegated to the IJ. There is no evidence here that Centeno-Martinez would not receive a timely and constitutionally adequate bond hearing in front of the IJ. Accordingly, the Court should not hold its own bond hearing.

Thank you for your consideration.

Sincerely,

DAVID METCALF
United States Attorney

/s/ Colin Cherico
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[1] In *Tropskii*, Judge Scott not only did not direct the IJ to conduct a hearing, but she ordered the Petitioner's release without holding any bond hearing at all. The government was not provided the opportunity in any *forum* to meets its burden (at a bond hearing) regarding whether petitioner could pose a danger to the community or a flight risk.