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BY ECF

December 21, 2025

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

Re: *Galeas Miranda. v. Maldonado*, No. 25-cv-6882 (PKC)

Dear Judge Chen:

I represent Petitioner Fernando Adalberto Galeas Miranda in the above-captioned proceeding. Petitioner submits this letter in response to Respondents' letter submitted on December 20, 2025, ECF No. 10 ("Respondents' Letter"). In short, Petitioner agrees that this Court's ruling in *R.A.R.R. v. Almodovar*, No. 25-cv-6597 (E.D.N.Y. Dec. 19, 2025) ("*R.A.R.R.*") controls this case, and accordingly, the Petition for Writ of Habeas Corpus (ECF No. 1) ("Petition") should be granted, and Petitioner should be immediately released and returned to the status prior to detention without any additional restrictions on his liberty.

Respondents' Position in light of *R.A.R.R. v. Almodovar*

Yesterday, December 20, 2025, Respondents submitted a letter to this Court in lieu of a formal memorandum of law in opposition to the Petition and associated order to show cause. Respondents stated that, "in light of this Court's oral ruling on the principal legal issues in *R.A.R.R. v. Almodovar*, No. 25-cv-6597 (PKC) (E.D.N.Y. Dec. 19, 2025) ("*R.A.R.R.*")," they were doing so in order to "conserve judicial and party resources, and to expedite the Court's consideration of this case." Respondents' Letter at 1.

Respondents went on to explain that on December 19, 2025, this Court issued an oral ruling in *R.A.R.R.*, a case that evidently presents similar issues to Petitioner's, and held that 8 U.S.C. § 1226 governed the detention of the petitioner in *R.A.R.R.*, not 8 U.S.C. § 1225(b). *Id.* at 3. This Court stated that it is in agreement with the "legion of cases" considering the issues relevant to these proceedings and that, had the petitioner in *R.A.R.R.* not been a UAC, "the grant of the habeas petition . . . would have been even easier to make." *Id.* Respondents therefore

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acknowledge, and Petitioner agrees, that the decision in *R.A.R.R.* controls the result in the instant case. *Id.* at 4.

Petitioner's Reply and Oral Argument

Petitioner notes his disagreement[1] with the limited argument submitted by Respondents and the decisions of two district court judges in this Circuit endorsing Respondents' interpretation of 8 U.S.C. § 1225. *See id.* at 4 n.3 (citing *Chen v. Almodovar,* No. 25-cv-8350 (MKV), 2025 WL 3484855 (S.D.N.Y. Dec. 4, 2025); *Candido v. Bondi*, No. 25-cv-867 (JLS), 2025 WL 3484932 (W.D.N.Y. Dec. 4, 2025); and *Liang v. Almodovar,* No. 25-cv-9322 (MKV), 2025 WL 3641512 (S.D.N.Y. Dec. 15, 2025)).[2]

Petitioner is unable to respond more substantively, as he does not have access to the opposition brief filed under seal in *R.A.R.R.* and relied upon here. However, should the Court request additional briefing from Respondents, Petitioner would in turn request to file a full reply, and in any event is prepared to do so if directed to by this Court. Petitioner also believes that the hearing currently scheduled for December 23, 2025 is no longer necessary given Respondents' position and *R.A.R.R.*, but is of course still available to appear should the Court wish to hear from either party.

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[1] Petitioner would like to clarify the record proffered by the government in the Declaration of Deportation Officer Michael Charles (ECF No. 10-1). Counsel first informed the immigration court of Petitioner's intent to marry his current fiancée, who will file an I-130 Petition for an Alien Relative, on October 28, 2025, not November 18, 2025. On December 16, 2025, counsel informed the immigration court that a judge in Ecuador had issued the divorce on December 12, 2025. These corrections are not material and do not change the Petitioner's arguments but are noted here for clarification. Furthermore, both the declaration and Respondents' Letter fail to acknowledge that the notice of custody determination issued to the Petitioner on June 23, 2025 specifically states that he was detained under Immigration and Nationality Act (INA) Section 236, *i.e.*, 8 U.S.C. § 1226 (ECF Nos. 1-5 and 10-4), in direct contradiction to the Respondents' assertion that the Petitioner was detained under INA 235(b), *i.e.*, 8 U.S.C. § 1225. Additionally, Petitioner wishes to emphasize that he has been detained just shy of six months, since June 23, 2025, rather than approximately five months as stated in Respondents' Letter.

[2] To Petitioner's knowledge, these are the only three decisions in this Circuit to have agreed with Respondents' arguments. District court judges in this Circuit have since responded to and respectfully noted their disagreement with *Chen*. *See Ye v. Maldonado*, No. 25-cv-6417 (AMD), 2025 WL 3521298, at *4 n.10 (E.D.N.Y. Dec. 8, 2025); *Goorakani v. Lyons*, No. 25-cv-9456 (DEH), 2025 WL 3632896, at *8-12 (S.D.N.Y. Dec. 15, 2025); *Yao v. Almodovar*, No. 25-cv-9982 (PAE), 2025 WL 3653433, at *8-10 (S.D.N.Y. Dec. 17, 2025). Additionally, the Seventh Circuit has also agreed with this Court's interpretation of § 1225(b). *See Castañon-Nava v. U.S. Dep't of Homeland Sec.*, No. 25-3050, 2025 WL 3552514, at *8-10 (7th Cir. Dec. 11, 2025).

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Petitioner Should be Immediately Released

Because of this Court's decision in *R.A.R.R.* and Respondents' position on that case, as well as Petitioner's almost six months of illegal detention, the Petition should be granted and Mr. Galeas Miranda should be immediately released from custody and returned to the status prior to detention without any additional restrictions on his liberty. *See* Petition ¶¶ 85-89 (discussing immediate release as the appropriate relief giving the applicable due process violations); *see also, e.g.*, *Rodriguez-Acurio v. Almodovar*, No. 25-cv-6065 (NJC), 2025 WL 3314420, at *32 (E.D.N.Y. Nov. 28, 2025) ("ICE caused Rodriguez-Acurio to be placed in custody in violation of her rights to procedural due process. The proper remedy for that unlawful detention is release."); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 497 (S.D.N.Y. 2025); *O.F.B. v. Maldonado*, No. 25-cv-6336 (HG), 2025 WL 3277677, at *8 (E.D.N.Y. Nov. 25, 2025); *Campbell v. Almodovar*, No. 25-cv-09509 (JLR), 2025 WL 3538351, at *13 (S.D.N.Y. Dec. 10, 2025).

I thank the Court for its consideration of this letter.

Respectfully submitted,

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