L. J. KELMAN, Esq.
ATTORNEYS AT LAW

70 EAST SUNRISE HIGHWAY, SUITE 500
VALLEY STREAM, NY 11581
Tel: (516) 887-0730
Fax: (516) 858-4772

January 26, 2026

Hon. Nusrat J. Choudhury
US District Court - EDNY
100 Federal Plaza,
Central Islip, NY 11722

Dear Judge:

In re: Valdes vs. Nassau Correctional et. al. 26-CV-250

Respondents' conduct throughout has been a clear travesty of justice.

Why only now, after a period of 11 days during which petitioner continues to languish in jail, have Respondents chosen to disclose they were unaware Petitioner had been legally paroled into the USA?

Respondents' admission should now end this matter in favor of Petitioner.

Respondents' Reply in Opposition is also seriously disturbing both by the errors and the misconduct it reveals as indicated below.

Serious Errors

All three of Respondents exhibits support Petitioner's claim.

The ICE warrant (*Reply Ex. A)*- the purported legal authority for petitioner's arrest- states that it is "*based upon a final order by an immigration judge*" and *section 241(a)(5) of the INA*; [also cited as *8 USC §1231 (a)(5)*]

Yet *§1231 (a)(5)* only allows for issuance of a warrant if "*an alien has reentered the United States illegally after having been removed*" (emphasis added), a fact which Respondents now concede is not the case here.

Similarly, the Notice of Intent to Reinstate (*Reply Ex. B*) issued in accordance with the same section, is invalid for that same reason.

Finally, Respondents' own supporting affidavit (*Reply Ex. C at par. 17*) concedes that reinstatement is inappropriate and they will have to serve a Notice to Appear to commence removal proceedings anew.

Misconduct

Even if ICE was "unaware" petitioner was paroled into the USA, this could have been discovered by even a cursory glance at the interviewing officer's USCIS file.

Furthermore, as counsel can personally attest from his immigration practice, the very fact that USCIS scheduled Petitioner for a residence interview, in and of itself, should have raised doubts in ICE's mind because USCIS would have summarily rejected Petitioner's residence application without filing proof of her legal entry.

These revelations beg further questions:

- Did ICE fail to read petitioner's USCIS file or did they just choose to ignore it?
- Did ICE inquire with the USCIS officer?
- How was a warrant issued the same day as the petitioner's residence interview?
- How was a warrant issued without access to Petitioner's file?
- Why did Respondents wait until after their Motion to Transfer Venue was denied to disclose they were unaware of Petitioner's parole?

Validity of Parole

Although Respondents now contend that Petitioner's parole expired, they fail to produce any record in support of that claim.

By contrast, as proof of her parole's validity until May 28, 2026, Petitioner previously filed documents (*Exhibits D & E to the Habeas petition*) which she again submits now in color marked as ***Exhibits A and B to this Sur-Reply***.

Other concerning revelations

- Respondents' Reply has cut & pasted male pronouns for this female petitioner– e.g. "*his* due process rights"; "release *him* from detention".
- Officer Damiano's affidavit adds a disclaimer (par.2) that Petitioner's file is currently at the Philadelphia ICE Field Office but fails to also mention a need for CBP records- which Respondents' cited for their extension request.
- If Respondents do not claim Petitioner ever entered the USA illegally or crossed at a border point, why would CBP records exist at all?
- Officer Damiano swears (par.10) that the I-130 was "denied, appealed and remains pending" which USCIS actually approved (***Exhibit C to this Sur-Reply***),
- Officer Damiano swears (par.13) to a gas stop in Mifflinville, PA at 11pm, but previously produced a gas receipt timestamped at 10:08pm -an hour earlier.

Indeed, the facts of this case are best summed up by this quote from SDNY: "ICE does not have free-ranging ability to arrest and detain people, and figure out the reasons later, like they apparently did here. *Gonzalez v. Joyce, No. 25-CV-8250, 2025 WL 2961626, at *5 (S.D.N.Y. Oct. 19, 2025)*

In light of the above, Petitioner submits that justice warrants a grant of this Habeas Petition and Petitioner's immediate release from the Moshannon Facility so that family members can personally retrieve her from custody. Any further delay of this matter only inures to Respondents' benefit who appear to be developing legal theories *ad hoc* to prolong her detention.

Yours truly
/s/Lorne Kelman
LORNE KELMAN