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January 27, 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

1. Pursuant to Rule 56 of the FRCP, Petitioner moves for SUMMARY JUDGMENT in this matter as Respondents have failed to Show Cause as per this Court's order dated January 26, 2026.

2. To the contrary, Respondents have admitted their error in arresting and detaining Petitioner such that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law without trial.

3. In support of this motion, Petitioner relies on *Respondents' own* Exhibits A through C previously filed in Reply to the Habeas Petition at #26 of the Docket.

4. 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)*]

5. However, §*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.

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

7. 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.

8. Respondents attempt to justify the continued detention of Petitioner must fail too in that it was not the basis of the ICE Warrant, nor have they produced any evidence in support of this new claim.

9. Accordingly, there is no genuine dispute as to any material fact and 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.

10. Any further delay of this matter only inures to Respondents' benefit who appear to be developing legal theories *ad hoc* to prolong her detention.

11. "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)*

Yours truly
/s/Lorne Kelman
LORNE KELMAN