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January 21, 2026

VIA ECF

Honorable Joshua D. Wolson
United States District Court
Eastern District of Pennsylvania
James A. Byrne United States Courthouse
601 Market Street, Room 12613
Philadelphia, Pennsylvania 19106

Re: Da Silva Santos v. Rose, et al.
E.D.Pa. Civ. No. 2:26-cv-364

Dear Judge Wolson:

Respondents submit this letter brief in accordance with the Court's January 21, 2026 Order (ECF No. 3). The Court directed Respondent's to inform the Court if they (1) oppose the petition and (2) whether they intend to make arguments other than those in *Kashranov v. Jamison, et al.*, No. 25-cv-05555, 2025 WL 3188319 (E.D. Pa. Nov. 14, 2025) (Wolson, J).

The Government is currently reviewing the Third Circuit's January 15, 2026 decision issued in *Khalil v. President, United States of America, et al.*, and its potential impact on section 1225(b)(2) cases such as this one. Respondents note that two Judges in this district have found that *Khalil* is distinguishable and does not prevent jurisdiction. *See Kourouma v. Jamison, et al.*, No.26-0182-KSM (January 15, 2026) (Marston, J.); *Restrepo v. Jamison*, No. 25-cv-6518 (January 20, 2026) (Leeson, J.).

Respondents do oppose the petition. However, Respondents also concede that this matter is legally and factually similar to *Kashranov*. The

Federal Respondents in this case respectfully remain of the view that their positions in *Kashranov* are correct and therefore—despite the weight of contrary decisions in this District—incorporate the arguments made in that case and other cases into this letter brief to preserve them for appeal (if ultimately authorized by the Solicitor General).

Thank you for your consideration.

Respectfully submitted,

DAVID METCALF
United States Attorney

/s/ Isaac J. Jean-Pierre
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cc: Christopher Casazza (via ECF)
Counsel for Petitioner