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March 11, 2026

By ECF
Honorable Diane Gujarati
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Ali v. Charles et al. 26-cv-0578-DG

Dear Judge:

Petitioner Imran Ali respectfully submits this reply in further support of his petition for a writ of habeas corpus. On March 5, 2026, this honorable Court issued additional orders to the parties seeking distinction between the facts of this case versus that of *O.F.B. v. Maldonado*, No. 25-CV-06336, 2025 WL 3277677 (E.D.N.Y. Nov. 25, 2025). For reasons stated below, the Petitioner maintains that his prolonged immigration detention continues to violate his due process rights and requests that his honorable Court order immediate release.

I. Improper Reliance on INA § 1225

Courts in this Circuit have repeatedly rejected the government's attempt to detain noncitizens who have been physically present in the United States and released into the community under the mandatory detention framework of INA § 1225(b). In *O.F.B. v. Maldonado*, the Eastern District of New York held that ICE improperly relied on § 1225 to detain a noncitizen who had already been released into the United States, concluding that the statutory structure of the Immigration and Nationality Act distinguishes between individuals arriving at the border and those already present in the country. *Id.* at 4–6. The court explained that applying § 1225 to individuals apprehended in the interior after release would effectively collapse the statutory distinction between § 1225 (arriving applicants for admission) and § 1226 (detention of individuals already present in the United States), contrary to the structure and purpose of the INA. *Id.*

Consistent with this reasoning, courts throughout this Circuit have held that where a noncitizen has been paroled or otherwise allowed to reside in the United States pending proceedings, detention must be governed by § 1226, which includes the procedural safeguard of an individualized custody determination before an immigration judge. See, e.g., *Velasco Lopez v.*

Decker, 978 F.3d 842, 851–53 (2d Cir. 2020) (holding that prolonged immigration detention without a meaningful opportunity to contest custody violates due process); *Savane v. Francis*, 487 F. Supp. 3d 198, 223–25 (S.D.N.Y. 2020) (applying the *Mathews v. Eldridge* balancing test and requiring an individualized bond hearing where detention became constitutionally problematic). These decisions recognize that the government may not rely on a formalistic "applicant for admission" label to avoid providing the procedural protections that the Constitution requires for individuals who have already established significant physical presence in the United States.

Here, as in *O.F.B. v. Maldonado*, the government seeks to treat a noncitizen who was previously paroled and living in the community as though he were an arriving applicant subject to § 1225. That position is inconsistent with the statutory framework of the INA and the due-process principles articulated in *Velasco Lopez* and *Savane*. At minimum, the Constitution requires that Petitioner receive an individualized custody determination before a neutral adjudicator, at which the government bears the burden of justifying continued detention.

II. Due Process Requires an Individualized Custody Determination Even If § 1225 Applies

Even assuming arguendo that the government could properly classify Petitioner's detention under INA § 1225(b), the Constitution independently requires an individualized custody determination once detention becomes prolonged. The Supreme Court has made clear that the Fifth Amendment's Due Process Clause applies to all persons within the United States, including noncitizens in immigration custody. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Where detention continues without meaningful procedural safeguards, courts must assess the adequacy of those procedures under the *Mathews v. Eldridge* balancing test, which evaluates (1) the private interest affected, (2) the risk of erroneous deprivation under the existing procedures, and (3) the government's interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

Applying this framework in the immigration detention context, courts within this Circuit have repeatedly concluded that prolonged detention without an individualized custody hearing raises serious constitutional concerns. See *Velasco Lopez v. Decker*, 978 F.3d 842, 851–53 (2d Cir. 2020) (holding that due process required a bond hearing where the government bore the burden of proving flight risk or danger); *Savane v. Francis* at 223–25 (requiring an individualized custody determination after prolonged detention). Thus, even where the government asserts detention authority under § 1225, courts retain the authority—and indeed the obligation—to ensure that detention procedures comport with the requirements of due process.

Here, Petitioner has been detained without any meaningful opportunity to contest the necessity of continued custody before a neutral decisionmaker. Under the *Mathews* balancing test, the private liberty interest is substantial, the risk of erroneous deprivation is significant in the absence of a hearing, and the government's interests can be adequately protected through a standard bond proceeding. Accordingly, at minimum, due process requires that Petitioner receive a prompt individualized custody determination before an immigration judge at which the government bears the burden of justifying detention.

For all of the reasons articulated herein, it is respectfully requested that this honorable Court grant relief in this matter.

Respectfully submitted this 11th day of March, 2026

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