U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

February 9, 2026

By ECF
Honorable Ramon E. Reyes
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Re: *Martinez v. Francis, et al.*
Civil Action No. 26-cv-0649 (Reyes, J.)

Dear Judge Reyes:

This Office respectfully submits this letter brief[1] on behalf of the Respondents in accordance with the Court's February 4, 2026 Order and in response to the petition for issuance of a habeas writ filed by Luis Bertin Ruiz Martinez ("Petition"). Attached to this response are a Notice to Appear dated January 28, 2026 (Exhibit A); a Warrant for Arrest dated January 28, 2026 (Exhibit B); and a Form I-213, Record of Deportable/Admissible Alien (Exhibit C).[2]

Facts

The Petitioner, a native of Mexico, entered the United States unlawfully at an unknown place and date without being admitted, inspected or paroled. *See* Exhibit C. He was arrested by ICE on January 28, 2026, *id.*, and served with a Warrant for Arrest and a Notice to Appear ("NTA"), *see* Exhibits A and B. The Petitioner acknowledged service of these documents that day. *Id.* The NTA charged that Petitioner was inadmissible pursuant to § 212 (a)(6)(A)(i) of the Immigration and Naturalization Act ("INA").

Petitioner's Claims

In brief, Petitioner asserts a claim based on alleged violations of INA (Count 1) and Fifth Amendment due process rights (Count 2). The Petition also asserts a claim pursuant to *Maldonado Bautista* (Count 3), and seeks Petitioner's release from detention and other relief.

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[1] While reserving all rights, including the right to appeal, Respondents submit this brief in lieu of a memorandum of law to conserve judicial and party resources, and to expedite the Court's consideration of this case, in light of this Court's decision on the principal legal issues in *Chander v. Maldonado*, No. 26-cv-021. With leave of the Court, the Respondents incorporate all arguments made in the Government's opposition memorandum in *Chander*, ECF No. 7.

[2] Information has been redacted from some documents for privacy reasons.

Discussion

The Respondents contend that the Petitioner is an applicant for admission subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A) who has received all the process he is due and that he is not entitled to a bond hearing pursuant to 8 U.S.C. § 1226(a). In *Chander*, when presented with somewhat analogous facts, Your Honor granted the petition for habeas corpus. *Chander*, No. 26-cv-0021, ECF Nos. 9-10. Respondents also acknowledge decisions in other cases within this district granting habeas relief based on determinations that the petitioners were not subject to mandatory detention pursuant § 1225(b)(2)(A). *See, e.g., Ye v. Maldonado*, No. 25-cv-6417, 2025 WL 3521298 (E.D.N.Y. Dec. 8, 2025) (Donnelly, J.) and *O.F.B. v. Maldonado*, No. 25-cv-6336, 2025 WL 3277677 (E.D.N.Y. Nov. 25, 2025) (Gonzales, J.)

Although the Respondents acknowledge these and other decisions holding for petitioners on the question of § 1225(b)(2)(A) mandatory detention, they respectfully disagree with these decisions. Respondents note that their position is supported by district court rulings within the Second Circuit, such as *Chen v. Almodovar, et al.*, No. 25-cv-9670, 2026 WL 100761 (S.D.N.Y. Jan. 14, 2026) (Cronan, J.).[3]

In *Chen*, the petitioner entered the United States without inspection or legal documents, was arrested and later released on his own recognizance under 8 U.S.C. § 1226, served with a Notice to Appear for removal proceedings, and recently detained under 8 U.S.C. § 1225(b)(2)(A). *See Chen*, 2026 WL 100761 at *5-*6. The court denied the habeas petition, concluding that the text, structure, and context of § 1225(b)(2)(A) confirm that statute covers individuals like that petitioner. *Id.* at *8-*14.

With respect to the text of § 1225(b)(2)(A), Judge Cronan held that § 1225(a)(1) "'deem[s]'" an "applicant for admission" "'[a]n alien *present in the United States who has not been admitted* or who arrives in the United States (whether or not at a designated port of arrival...).'" *See id.* at *8. Given that the detention authority in § 1225(b)(2)(A) covers "an alien who is an applicant for admission," the court held, it follows that "[p]ut together, Section 1225(b)(2)(A) initially reaches situations concerning noncitizens . . . present in the United States who have not gained lawful entry into the country after inspection and authorization by an immigration officer." *Id.*

The court reasoned that other district courts erred in holding that the § 1225(b)(2)(A) detention authority covers only the purported subset of applicants for admission who are "seeking admission" through affirmative steps towards lawful admission. *See Chen*, 2026 WL 100761, at *8-*10. As the court held, persons "seeking admission" are not a subset of "applicants for

[3] Other decisions include *Arana v. Arteta*, No. 26-cv-240, 2026 WL 279786 (S.D.N.Y. Feb. 3, 2026) (Woods, J.); *Lopez v. Noem*, No. 26-cv-345, 2026 WL 266597 (S.D.N.Y. Feb. 2, 2026) (Rearden, J.); *Chen v. Almodovar*, No. 25-cv-8350, 2025 WL 3484855 (S.D.N.Y. Dec. 4. 2025) (Vyskocil, J.), appeal filed Dec. 16, 2025, No. 25-3169 (2d Cir.); and *Candido v. Bondi*, No. 25-cv-867 (Sinatra, J.), 2025 WL 3484932 (W.D.N.Y. Dec. 4, 2025), appeal filed Dec. 16, 2025, No. 25-3159 (2d Cir.).

admission" but rather the opposite is true: "Section 1225 itself expressly treats applicants for admission as among those seeking admission." *See id.* at *9 (citing § 1225(a)(3), (5)). The court further held that the other district court holdings "introduce[] more questions to the statute than answers"—which is the very argument Respondents advanced. *Chen*, 2026 WL 100761, at *9; ECF No. 14 at 24-25. "The answer," the court determined, "is the one that Congress has already provided throughout Section 1225: an applicant for admission is 'seeking admission,' even when that noncitizen is 'present in the United States' without having 'been admitted.'" *Id.*

The Respondents urge the Court to follow the reasoning of *Chen*. In doing so, they note that *Chen* and other decisions finding that petitioners were subject to mandatory detention square with the conclusion of the first court of appeals decision on point, *Buenrostro-Mendez v. Bondi*, No.25-20496, -- F.4th --, 2026 WL 323330 (5th Cir. Feb. 6, 2026).

Lastly, while it is not entirely clear, Petitioner appears to contend that his detention violates the declaratory relief issued by the United States District Court for the Central District of California in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-1873-SSS-BFM,2025 WL 3289861 (C.D. Cal. Nov. 20, 2025) and *Maldonado Bautista v. Santacruz*, No. 5:25-cv-1873-SSSBFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). *See* Petition, Count 3. If the Court follows its reasoning in *Chander*, and the reasoning of other district courts within the Second Circuit, it need not reach this claim. *See, e.g., Molina v. Deleon*, No. 25-cv-6526, 2025 WL 3718728 at *5, (E.D.N.Y. Dec. 23, 2025) (Azrack, J.) ("it is unnecessary for the Court to decide whether Bautista controls in the instant case because, as explained above, the Court has already determined that the interpretation of Sections 1225 and 1226 advanced by Petitioner and adopted by hundreds of district court decisions is the correct one"); *Yao v. Almodovar*, 2025 WL 3653433, FN10, (S.D.N.Y. Dec. 17, 2025) (Engelmayer, J.) (In light of its interpretation of Sections 1225 and 1226, "the Court does not have to reach [Petitioner's] alternative argument: that he is eligible for a bond review under an order affording such relief to a nationwide class" as issued in *Maldonado Bautista*).[4]

The Respondents thank the Court for its consideration of their arguments.

Respectfully submitted,
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[4] In other cases, the Government has argued that: (1) the *Maldonado Bautista* declaratory judgement is void with respect to petitioners and custodians outside the Central District of California on jurisdictional grounds; and (2) the Court should not give preclusive effect to the declaratory judgment because it is on appeal; and (3) issue preclusion is inapplicable particularly as preclusion principles apply with less force both against the Government and in habeas corpus proceedings. These arguments were adopted by at least two District Courts. *See Calderon Lopez v. Lyons*, 2025 WL 3683918, (N.D. Tex. Dec. 19, 2025); *Rodriguez v. Jeffreys, et al.*, 2025 WL 3754411 (D. Neb. Dec. 29, 2025).

Exhibits to Respondents' Letter Brief