

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MARILYN CUBIAS INGLES,

Petitioner,

v.

RUSSELL HOTT, *et al.*

Respondents.

Case No. 1:26-cv-00367 (AJT/WBP)

RESPONSE TO COURT ORDER

The Federal Respondents, by counsel, hereby respectfully submit the instant response to this Court's Order dated February 6, 2026 (Dkt. No. 2) in the above-captioned habeas action.

In the Order, the Court directed the Federal Respondents to "file either (a) a Notice indicating that the factual and legal issues presented in this Petition do not differ in any material fashion from those presented in *Hernandez v. Crawford*, 1:25-cv-1565-AJT-WBP, 2025 WL 2940702 (E.D. Va. Oct. 16, 2025) or the other opinions of this Court cited therein; or (b) an Opposition to the Petition discussing the material differences between *Hernandez* and this Petition." *See* Dkt. No. 2 at 1-2. The Federal Respondents submit that the factual and legal issues presented in the Petition do not differ in any material fashion from those presented in *Hernandez*; namely, both the Petition and *Hernandez* concern whether an alien who is present in the United States without admission is properly subject to mandatory detention (*i.e.*, detention without the prospect of release on bond) during the pendency of his or her administrative removal proceedings pursuant to 8 U.S.C. § 1225(b). As such, consistent with its Order, the Court should incorporate the filings in *Hernandez* into the record of this habeas action.

Dated: February 9, 2026

Respectfully submitted,

TODD W. BLANCHE
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