U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 11, 2026

By ECF
The Honorable Jennifer L. Rochon
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *J.C.G. v. Almodovar, et al.*, No. 26 Civ. 1065 (JLR)

Dear Judge Rochon:

This Office represents Respondents (the "Government") in the above-referenced immigration habeas corpus action, brought by J.C.G.("Petitioner"), a non-citizen who is challenging his detention by U.S. Immigration and Customs Enforcement ("ICE"). On February 9, 2026, the Court issued an order directing the Government to file a letter responding to certain questions by February 11, 2026. ECF No. 3. I write respectfully to provide that response.

a. [whether] . . . there is any basis to distinguish this case from *J.C.G. v. Genalo*, No. 24-cv-08755 (JLR), 2025 WL 88831 (S.D.N.Y.) Jan. 14, 2025) and, if not, whether Respondents would consent to issuance of the writ—subject to preservation of Respondents' arguments for appeal.
    a. There is no legal basis to distinguish this case from this Court's decision in *J.C.G. v. Genalo*.[1] In *J.C.G.*, the Court held that the allocation of the burden of proof at the petitioner's initial bond hearing violated due process, and, in any event, that the petitioner's nine-month detention was prolonged and would also justify a new bond hearing at which the Government bears the burden of demonstrating flight risk or danger to the community by clear and convincing evidence, and at which the immigration judge must consider alternatives to detention and the petitioner's ability to pay if setting a monetary bond. *J.C.G.*, 2025 WL 88831 at *7-11.
    b. Here, Petitioner, a citizen of El Salvador, also is detained under 8 U.S.C. § 1226(a), and he received an initial bond hearing at which he bore the burden of demonstrating that he was not a danger or flight risk by a preponderance of the evidence. The immigration judge denied bond at that hearing based on dangerousness, and, unlike in *J.C.G.*, the BIA affirmed that decision (and so there is no exhaustion issue here). Petitioner has been detained for almost 15 months, since November 20, 2024. As Petitioner acknowledges, he has an extensive criminal history, including [redacted] *See* Petitioner's Ex. A. Petitioner also acknowledges a pending assault charge, which occurred while incarcerated. *Id.*

[1] While Petitioner in this case is proceeding by the initials *J.C.G.*, the petitioner in the prior *J.C.G.* case is a different non-citizen.

c. While the Government respectfully disagrees with the Court's holdings in *J.C.G.*, the Government acknowledges that the holding of that case would control the result in this case, should the Court adhere to it, as the Court already held that ICE must bear the burden at initial bond hearings under § 1226(a), and even if not, prolonged detention would nonetheless warrant a new bond hearing. Here, Petitioner has been detained for longer than the petitioner in *J.C.G.*, and with the Court's reasoning there, this case is materially indistinguishable on that issue. Thus, to expedite consideration of this matter, the Government submits that the Court can resolve it without further briefing. And if the Court adheres to its prior decision, the Government respectfully submits that Petitioner's requested relief—set forth in paragraph 3 in the Prayer for Relief—is appropriate and consistent with the relief ordered by the Court in *J.C.G.*

* * *

Based on the foregoing response, the Government does not believe a further submission to the Court is necessary. The Government notes that a hearing has been scheduled for February 24, 2026. ECF 3. The Government believes the Court can resolve this matter without further hearing, however, should the Court prefer to hold a hearing, the Government will be happy to appear.

I thank the Court for its consideration of this submission.

Respectfully submitted,

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cc: Counsel of Record (by ECF)