**U.S. Department of Justice**

*United States Attorney*
*Eastern District of New York*

*610 Federal Plaza*
*Central Islip, New York 11722*

February 13, 2026

Honorable Nusrat J. Choudhury
United States District Court Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Cadena-Gallegos v. Bondi, et. al*
No. 26-cv-844 (Choudhury, J.)

Dear Judge Choudhury:

This Office represents Respondents in the above-captioned case in which Petitioner Jonathan F. Cadena-Gallegos ("Petitioner") filed a Petition for a writ of habeas corpus on February 12, 2026 challenging his detention by Immigration and Customs Enforcement ("ICE). *See* ECF Dkt. # 1. Respondents respectfully submit this letter pursuant to the Stay of Removal and Order to Show Cause entered on February 13, 2026 (Docket Entry #3) requiring Respondents to provide certain information identified by the Court by February 13, 2026, at 11:59 p.m.

Petitioner has been assigned A number [redacted]. He was arrested on January 31, 2026 and was transported to 26 Federal Plaza, New York, New York. On February 2, 2026, he was transferred to the Metropolitan Detention Center ("MDC") and is currently detained at MDC, within the Eastern District of New York and ICE does not anticipate transferring Petitioner prior to a hearing. He was not detained at any time at 535 Federal Plaza, Central Islip, New York. While detained at MDC, Petitioner's counsel may contact Imani.J.Montgomery@ice.dhs.gov to facilitate counsel's access to Petitioner.

Attached to this letter are the Form I-200, Warrant of Arrest, dated January 31, 2026, the Form I-862, Notice to Appear and Form I-220A, Order of Release on Recognizance. The statutory basis for detaining Petitioner is 8 U.S.C. § 1225(b)(2)(A).

The legal issues presented in the Petition concern whether Petitioner's detention violates his due process protections, and the statutory authority for ICE's detention of Petitioner. Petitioner principally seeks an order from this Court directing ICE to release him from detention. While reserving all rights, including the right to appeal, Respondents submit this letter in lieu of a formal responsive 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 *Rodriguez-Acurio v. Almodovar*, No. 25-cv-6065, 2025 WL 3314420 (E.D.N.Y. Nov. 28, 2025),

*notice of appeal filed* ("*Rodriguez-Acurio*"), and other matters such as *Castellon v. Doe, et al.*, No. 26-cv-0647, Memorandum and Order entered February 7, 2026 (ECF Dkt. # 13) ("*Castellon*"); *Covelli-Chaparro v. Bondi, et al.*, No. 26-cv-0118, Opinion and Order entered January 15, 2026 (ECF Dkt. # 13) ("*Covelli-Chaparro*") *Acevedo v. Nassau Correctional Center, et al.*, No. 26-cv-0250, Minute Entry and Order entered January 28, 2026 ("*Acevedo*") and *Caraguay v. Larocco*, No. 26-cv-0569, Memorandum and Order entered on February 4, 2026 (ECF Dkt. # 15) ("*Caraguay*").

While Respondents respectfully disagree with the Court's decisions in *Rodriguez-Acurio*, *Castellon*, *Covelli-Chaparro*, *Acevedo* and *Caraguay*, Respondents acknowledge that the decisions would control the result in this case if the Court adheres to those decisions, as the facts of this case are similar to those in *Rodriguez-Acurio*, insofar as Petitioner is a citizen of another country who entered the United States without inspection, who has not been admitted, who has been detained pursuant to 8 U.S.C. § 1225(b)(2)(A). Accordingly, the Respondents adopt the arguments in the Government's Memorandum of Law in *Rodriguez-Acurio* (ECF Dkt. # 14).

Respondents note that a number of decisions in this Circuit have endorsed the Government's interpretation of the relevant statutory provisions, including the decision issued earlier this week in *Saamishvili v. Flanagan*, No. 25-cv-6178, 2026 WL 377574 (E.D.N.Y. Feb. 11, 2026) (Cogan, J.). *See Chen v. Almodovar, et al.*, No. 25-cv-8350, 2025 WL 3484855, at *7 (S.D.N.Y. Dec. 4, 2025), *notice of appeal filed; Liang v. Almodovar*, No. 25-cv-9322, at *4-11 (S.D.N.Y. Dec. 15, 2025); *Chen v. Almodovar*, 25-cv-9670, 2026 WL 100761, at *8-9 (S.D.N.Y. Jan. 14, 2026) (Cronan, J.); *Weng v. Genalo et al.*, No. 25-cv-09595, 2026 WL 184627, at *1 (S.D.N.Y. Jan. 23, 2026) (Rearden, J.) ("Having considered the statutory text and other relevant authorities, the undisputed facts of this case, and the parties' submissions and oral arguments, the Court concludes that Petitioner's detention is governed by Section 1225."). On February 6, 2026, the Court of Appeals for the Fifth Circuit, while not binding on this Court, held that the Government's interpretation of 8 U.S.C. § 1225 was correct. *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026).[1]

Respondents have no objection to the Court deciding the petition on the papers in lieu of a

[1] Notices of appeal were recently filed in two similar cases, *Da Cunha v. Moniz*, 25-cv-00867 (W.D.N.Y.) and *Chen v. Almodovar*, 25-8350 (S.D.N.Y.) In addition to the pending appeals by petitioners regarding the denials of habeas petitions as noted above, the Government has affirmatively appealed the grant of a habeas petition in *Cunha v. Moniz*, 25-cv-6532 (W.D.N.Y. Nov. 25, 2025) (concluding, *inter alia*, that Section 1226(a), not Section 1225(b)(2)(A), applied), *notice of appeal* filed Dec. 11, 2025, No. 25-3141 (2d Cir.) The *Cunha* appeal is proceeding on an expedited track and will be fully briefed on March 3, 2026.

hearing. Respondents thank the Court for its consideration of this submission.

Respectfully submitted,

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