U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

February 13, 2026

By ECF
Honorable Natasha C. Merle
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Palacios v. Francis, et al.*
Civil Action No. 26-cv-0847 (Merle, J.)

Dear Judge Merle:

This Office respectfully submits this letter brief on behalf of the Respondents in accordance with the Court's February 13, 2026 Scheduling Order and in response to the Emergency Petition for Writ of Habeas Corpus filed by Daniel Palacios ("Petition").[1]

Petitioner's Claims

In brief, Petitioner asserts claims based on alleged violations of the Immigration and Nationality Act (First and Third Causes of Action); Fifth Amendment due process violations (Second Cause of Action); and violation of the Administrative Procedure Act ("APA") (Fourth Cause of Action). Petition at 19-22. He seeks release from detention and other relief. *Id.* at 23-24.

Discussion

Respondents' position is that Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2)(A). In five decisions involving facts materially indistinguishable from those alleged in the Petition, this Court has held that 8 U.S.C. § 1226(a) is the proper detention authority. *Crespo Tacuri v. Genalo,* No. 25-cv-6896, 2026 WL 35569 (E.D.N.Y. Jan. 6, 2026); *Y-C- v. Genalo*, No. 25-cv-6558, 2025 WL 3653496 (E.D.N.Y. Dec. 17, 2026); *Yumbla v. Maldonado*, No. 26-cv-594, 2026 WL 371414 (E.D.N.Y. Feb, 10, 2026); *Guanga Dutan v. Tellez*, No. 26-cv-600, 2026 WL 377520) (E.D.N.Y. Feb. 11, 2026); and *Erjigitov v. Lyons*, No. 26-cv-624, 2026 WL 382489 (E.D.N.Y. Feb. 11, 2026).

[1] As of the time of this filing, this Office has not received information sufficient to address the facts alleged in the Petition.

Respondents acknowledge that if the Court applies the reasoning of these five decisions here, they would control the result in this case.[2]

Respondents thank the Court for its consideration in this matter.

Respectfully submitted,
JOSEPH NOCELLA, JR.
United States Attorney

By: /s/ Elliot M. Schachner
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cc: Counsel for Petitioner (by ECF)

[2] Notwithstanding this acknowledgement, Respondents note that, since the Court issued the most recent decision, *Erjigitov*, two district court judges have issued opinions that endorsed the Government's interpretation of the relevant statutory provisions, *see Saamishvili v.* Flanagan, No. 25-cv-6178, 2026 WL 377574 (E.D.N.Y. Feb. 11, 2026) (Cogan, J.), *appeal filed* Feb. 12, 2026; *Quezada v, Francis.*, No. 26 Civ. 387, 2026 WL 380711 (S.D.N.Y. Feb. 11, 2026) (Cronan, J.)., and reserve all rights, including the right to appeal.