U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

February 20, 2026

By ECF
Honorable Nina R. Morrison
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Duchimaza v. Genalo, et al.*
Civil Action No. 26-cv-0879 (Morrison, J.)

Dear Judge Morrison:

This Office respectfully submits this letter brief on behalf of the Respondents in accordance with the Court's Orders of February 18 and 19, 2026 concerning the petition for a writ of habeas corpus ("Petition") filed by Eduardo Misael Cando Duchimaza ("Petitioner").

Background Information

As reported yesterday, Mr. Duchimaza's "A" number is [redacted]; this Office has been informed that Mr. Duchimaza is detained at the Metropolitan Detention Center in Brooklyn; and the person whom counsel for Mr. Duchimazza may contact to facilitate communication with Mr. Duchimazza is Deportation Officer Michael Charles (Michael.V.Charles@ice.dhs.gov). In addition, it is this Office's understanding that Mr. Duchimaza is scheduled for an immigration court hearing on February 27, 2026

Petitioner's Claims

In brief, the Petition asserts claims based on alleged violations of the Constitution, the Immigration and Naturalization Act ("INA") and regulations promulgated pursuant to the INA (Claims One, Two and Four). It also asserts that Mr. Duchimaza need not exhaust administrative remedies (Claim Three) and makes a demand for production of certain documents (Claim Five). In addition, the Petition asks for fees pursuant to the Equal Access to Justice Act ("EAJA") (Claim Six), seeks Mr. Duchimaza's release from detention, and requests other relief as well. Petition at 15-27.

Discussion

In response to the Court's inquiry concerning whether there is basis to distinguish the grounds for detention in this case from those at issue in *Hyppolite v. Noem*, No. 25-cv-4304

(NRM), 2025 WL 28295511, it is Respondents' position is that Mr. Duchimaza, like the petitioner in *Hyppolite*, is subject to detention pursuant to 8 U.S.C. § 1225(b)(2)(A).[1]

The Respondents thank the Court for its consideration in this matter.

Respectfully submitted,
JOSEPH NOCELLA, JR.
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[1]The Respondents respectfully disagree with the decision in *Hyppolite* and note that recent district court decisions within the Second Circuit have adopted the Government's interpretation of the relevant statutory provisions, *see, e.g., Saamishvili v. Flanagan*, No. 25-cv-6178, 2026 WL 377574 (E.D.N.Y. Feb. 11, 2026) (Cogan, J.), *appeal filed* Feb. 12, 2026, and *Quezada v, Francis.*, No. 26 Civ. 387, 2026 WL 380711 (S.D.N.Y. Feb. 11, 2026) (Cronan, J.). Respondents reserve all rights in this case, including the right to appeal.