U.S. Department of Justice

United States Attorney
Eastern District of New York

610 Federal Plaza
Central Islip, New York 11722

February 20, 2026

Honorable Sanket J. Bulsara
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Sosa-Rodriguez v. Bondi, et.al.* No. 26-cv-0981 (Bulsara, J.)

Dear Judge Bulsara:

This Office represents Respondents in the above-captioned action, in which Petitioner Fredis N. Sosa-Rodriguez Magana ("Petitioner"), an alien in removal proceedings, filed a petition for a writ of habeas corpus on February 19, 2026, challenging his detention by U.S. Immigration and Customs Enforcement ("ICE"). *See* Dkt. # 1 ("Petition"). Respondents respectfully submit this letter in accordance with Your Honor's Order dated February 19, 2026, requiring Respondents to "inform the Court of Petitioner's current location, and [to] include information about any other locations where Petitioner has been held and the dates of any transfers since his initial detention," and to respond to the Petition.[1]

The legal issues presented in this action concern whether Petitioner's detention violates his procedural and substantive due process rights, the Immigration and Nationality Act, 8 U.S.C. § 1158, *et seq.* ("INA"), and the Administrative Procedure Act, 5 U.S.C. § 701, *et seq.* ("APA"). Petitioner principally seeks an order from this Court directing ICE to immediately release him from detention. Respondents address the merits of the Petition below, while reserving all rights, including the right to appeal, 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 statements of Your Honor in other actions.-[2]

[1] Respondents were aware that the Order directed them to file their response no later than 12 noon today, February 20, 2026, and sincerely apologize for their failure to meet this deadline, which was due to the need to obtain documents regarding Petitioner's detention. These documents are attached as Exhibits A and B to the Declaration of Deportation Officer Spiro M. Vandoros, which is submitted herewith.

[2] This Office notes that it filed similar letters as this with Your Honor in several other matters, including, *inter alia*, *Flores-Linares v. Bondi, et. al.*, No. 26-298 (SJB) on January 20, 2026; *Argueta v. Francis, et.al.*, 26-CV-408 (Bulsara, J.) on January 26, 2026; *Delarca-Avila v. Bondi, et al.*, No. 26-cv-0543 (Bulsara, J.), on February 2, 2026; *Rivera Orellana v. Noem, et al.*,

Petitioner's Current Location:

The undersigned has been informed by agency counsel that Petitioner was encountered by ICE officers on February 2, 2026. ICE arrested Petitioner pursuant to 8 U.S.C. § 1225 (b)(2)(A). Petitioner was arrested, transported to ICE's processing offices at Nassau County Correctional Center ("NCCC") and subsequently transferred to NCCC. That same evening, Petitioner was booked out of NCCC and booked into the Delaney Hall Detention Facility ("Delaney Hall") in Newark, New Jersey. On February 11, 2026, ICE transferred Petitioner from Delaney Hall to the Metropolitan Detention Center ("MDC") in Brooklyn, and Petitioner has been housed at MDC since that date. In the event Petitioner is detained after today, there is a possibility he may be transferred. ICE is aware of the Court's order limiting Petitioner's detention to the Eastern District of New York and the Southern District of New York.

Discussion Regarding the Merits of the Petition

On January 22, 2026, in the Memorandum and Order entered in *Miguel A. Flores-Linares v. Bondi*, 26-cv-00298 (Bulsara, J.), Your Honor discussed cases, like this one, that involve the issue of whether the petitioner was detained by ICE under 8 U.S.C. § 1225, as the Government maintained, or 8 U.S.C. § 1226, as the petitioner maintained. *Id.*, Dkt. # 9. Your Honor stated that "[t]he Government's position is that someone is subject to removal and detention under Section 1225(b)(2), as someone who is 'seeking admission' to the United States, notwithstanding that they have been living here for months, if not years. Court after court, judge after judge, in district after district has rejected this argument." *Id.* at 12. Your Honor granted the writ and further stated that "at its core, detention under § 1225 violates due process guarantees and is inapplicable and inappropriate for individuals who have lived in the United States as long as Petitioner has."

While Respondents respectfully disagree with Your Honor's assessment of the statutory construction issue as to 8 U.S.C. § 1225, they acknowledge that, in view of that assessment, Respondents cannot prevail in this action.[3] Thus, to conserve judicial resources and to expedite the Court's consideration of this case, Respondents hereby rely upon, and incorporate by reference, the legal arguments the Government presented in *Garcia Lanza v. Noem, et al.*, 26-cv-29 (E.D.N.Y.) (Brown, J.)[4] and respectfully submit that the Court can decide this matter without

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No. 26-cv-0574 (Bulsara, J.), on February 3, 2026; *Romero v. Bondi, et.al.* 26-796 (Bulsara, J.) on February 13, 2026. *Sandoval v. LaRocco, et al.*, No. 26-cv-00832 (Bulsara, J.) on February 13, 2026; and *Magana v. Joyce, et.al.* No. 26-CV-835 (Bulsara, J.) on February 13, 2026.

[3] Respondents are aware of this Court's decisions in similar matters. See for e.g., Gopie v. Lyons, et. al., 2025 WL 3167130 (E.D.N.Y. November 13, 2025) (Bulsara, J.) and Rodriguez-Acurio v. Noem, et.al., 2025 WL 3314420 (E.D.N.Y. November 28, 2025)(Choudhury, J.) While Respondents respectfully disagree with the Court's assessment of the § 1225/§ 1226 issue, they acknowledge that, in view of that assessment, Respondents cannot prevail in this action. Thus, to conserve judicial resources and to expedite the Court's consideration of this case, the government respectfully adopts its previous arguments in Gopie

[4] Specifically, Respondents respectfully incorporate by reference all arguments raised in the opposition brief in *Garcia Lanza v. Noem, et al.*, 26-cv-29 (E.D.N.Y.) (Brown, J.), Dkt. # 11.

further briefing or a hearing. However, should the Court prefer to receive a memorandum of law in this matter, Respondents will file such a brief upon the Court's request. Notwithstanding their submission of this letter in lieu of a formal brief, Respondents reserve all rights, including the right to appeal.

Respondents respectfully further note that, on February 6, 2026, the Court of Appeals for the Fifth Circuit issued an opinion that, 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). In this Circuit, a number of district court judges (albeit a minority) have ruled in the government's favor on this issue. *See Saamishvili v. Flanagan, et al.*, No. 25-cv-6178, 2026 WL 377574 (E.D.N.Y. Feb. 11, 2026)(Cogan, J.), *notice of appeal filed* Feb. 12, 2026; *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.); *Candido v. Bondi*, 25-cv-867, 2025 WL 3484932, at *2 (W.D.N.Y. Dec. 4, 2025) (Sinatra, J.); *Chen v. Almodovar, et al.*, No. 25-cv-8350, 2025 WL 3484855, at *7 (S.D.N.Y. Dec. 4, 2025) (Vyskocil, J.), *notice of appeal filed* Dec. 16, 2025; *Liang v. Almodovar*, No. 25-cv-9322, 2025 WL 3641512, at *8 (S.D.N.Y. Dec. 15, 2025) (Vyskocil, J.), *notice of appeal filed* Jan. 15, 2026. In addition to 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 is scheduled to be fully briefed on March 3, 2026.

As to Petitioner's INA and APA claims, these statutes are not the proper vehicle for Petitioner's claims arising out of his detention, which are the claims that drive this suit. In *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025), in which claims including due process claims were brought under the APA, the INA and various habeas provisions, the Supreme Court held that where the claims for relief, as here, "necessarily imply the invalidity of their confinement," regardless of whether he requests release from confinement, those claims "fall within the 'core' of the writ of habeas corpus and must be brought in habeas." The Supreme Court's holding is consistent with well-established law that habeas is generally the only possible district court vehicle for challenges brought pursuant to immigration statutes. *Id.* (citing *Heikkila v. Barber*, 345 U.S. 229, 234-35 (1953)). All the claims in this suit constitute a core habeas claim — though they fail for the reasons discussed above—and are not cognizable under the INA or the APA. Further, by the APA's terms, it is available only for agency action "for which there is no other adequate remedy in a court." 5 U.S.C. § 704. Thus, Petitioner's APA claims are independently barred by this limitation. As noted by Justice Kavanaugh's concurrence in *J.G.G.*, "given 5 U.S.C. § 704, which states that claims under the APA are not available when there is another adequate remedy in court, I agree with the Court that habeas corpus, not the APA, is the proper vehicle here." *J.G.G.*, 604 U.S.at 674 (Kavanaugh, J. concurring). Here, as in *J.G.G.*, habeas is an "adequate remedy" through which Petitioner can challenge his detention.

Respondents also respectfully incorporate by reference the statutory and regulatory framework, Part I, in that same document.

Accordingly, for the reasons set forth above, Respondents respectfully submit that the Court deny this habeas petition.

Respectfully submitted,

JOSEPH NOCELLA, JR.
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