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

Re: *Mejia-Pina v. Bondi, et. al.*
No. 26-cv-986 (Choudhury, J.)

Dear Judge Choudhury:

This Office represents Respondents in the above-captioned case in which Petitioner Jose A. Mejia-Pina ("Petitioner") filed a Petition for a writ of habeas corpus on February 19, 2026 challenging his detention by Immigration and Customs Enforcement ("ICE). *See* Docket Entry ("DE") # 1. Respondents respectfully submit this letter pursuant to the Stay of Removal and Order to Show Cause entered on February 19, 2026 (DE #3) requiring Respondents to provide certain information identified by the Court by February 20, 2026, at 12:00 noon.

Petitioner has been assigned A number [redacted]. He was arrested on February 18, 2026 after an appointment at the Nassau County Department of Probation. He was then transferred to the Nassau County Correctional Center ("NCCC") and later the same day, he was transferred to Delaney Hall Detention Facility ("DHDF") in Newark, New Jersey. 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 DHDF, Petitioner's counsel may contact Tony Petito at Tony.Petito@ice.dhs.gov to facilitate counsel's access to Petitioner.

Attached to this letter are the Form I-200, Warrant of Arrest, dated February 17, 2026 and the Form I-862, Notice to Appear, dated February 18, 2026. Both forms were served on Petitioner on February 18, 2026. 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 (DE # 13) ("*Castellon*"); *Covelli-Chaparro v. Bondi, et al.*, No. 26-cv-0118, Opinion and Order entered January 15, 2026 (DE # 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 (DE # 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* (DE # 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]

As to Petitioner's INA and APA claims (Counts Three and Four), these statutes are not the proper vehicle for Petitioner's claims arising out of his detention, which drives 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

[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.

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 have no objection to the Court deciding the petition on the submissions in lieu of a hearing. Respondents thank the Court for its consideration of this submission.

Respectfully submitted,

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