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

Re: *Fama Perez v. Haynes, et al.*
Civil Action No. 26-cv-0996 (Merle, J.)

Dear Judge Merle:

This Office respectfully submits this letter brief on behalf of the Respondents in accordance with the Court's February 20, 2026 Scheduling Order and in response to the Petition for Writ of Habeas Corpus filed by Carlos Alfredo Fama Perez ("Petition"). [1]

Petitioner's Claims

In brief, Petitioner alleges that his detention violates his rights under the Fourth, Fifth, Sixth and Eighth Amendment. Petition at 1. He seeks release from detention and other relief. *Id.* at 4-5.

Discussion

Respondents' position is that Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2)(A). In six 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); *Erjigitov v. Lyons*, No. 26-cv-624, 2026 WL 382489 (E.D.N.Y. Feb. 11, 2026); and *Palacios v. Francis*, No. 26-cv-847, 2026 WL 415449 (E.D.N.Y. Feb. 14, 2026).

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

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[1] This Office has been unable to obtain sufficient documentation as of the time of this filing.

[2] Notwithstanding this acknowledgement, as Respondents have noted previously, a number of courts have issued opinions that have endorsed 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;

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)

Quezada v, Francis, No. 26 Civ. 387, 2026 WL 380711 (S.D.N.Y. Feb. 11, 2026) (Cronan, J.). Respondents reserve all rights, including the right to appeal.