U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

March 4, 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: *Jovel v. Bondi, et al.*, Civil Action No. 26-cv-1193 (Morrison, J.)

Dear Judge Morrison:

This Office respectfully submits this letter brief on behalf of the Respondents in accordance with the Court's March 2, 2026 Order concerning the petition for a writ of habeas corpus ("Petition") filed by Joan E. Campos Jovel ("Petitioner").

Background Information

Mr. Jovel's "A" number is [redacted] He is detained at the Metropolitan Detention Center in Brooklyn, N.Y. This Office understands that Mr. Jovel has a hearing in his removal proceedings on March 30, 2026.

Documents

This Office encloses the following documents received from Immigration and Customs Enforcement ("ICE"): Warrant for Arrest (Exhibit "A"); Notice to Appear (Exhibit "B"); Notification of Rights (Exhibit "C"); Information About Detention Decisions and Consular Notification Statement (Exhibit "D"); Notice to EOIR (Exhibit "E"); Order to Detain (Exhibit "F"); Record of Deportable/Inadmissible Alien (Exhibit "G"); and Property Receipts (Exhibit "H").[1]

Petitioner's Allegations and Claims

In brief, the Petitioner alleges that he entered the country without inspection in 2003. Petition at ¶ 6.

[1] Information has been redacted from some of the documents for privacy reasons.

ICE records indicate that the Petitioner was arrested and detained by ICE on February 17, 2026, *see* Exhibits A and G, and issued a Notice to Appear charging that he was inadmissible pursuant to Section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA"), *see* Exhibits B and G. ICE records further indicate that the ICE issued an order to detain, *see* Exhibit F, that the Petitioner was provided several notifications, *see* Exhibits C and D, and that a hearing in Petitioner's removal proceedings was scheduled for March 30, 2026, *see* Exhibits B and E. According to ICE records, certain of the Petitioner's property is in ICE custody. *See* Exhibit H.

The Petitioner asserts claims based on alleged Fifth Amendment due process violations (First and Second Claims for Relief); violation of the Fourth Amendment (Third Claim for Relief); violation of the INA (Fourth Claim for Relief);[2] and violation of the Administrative Procedure Act ("APA") (Fourth Claim for Relief).[3] Petition at ¶¶ 26-41. The Petitioner seeks release from detention and other relief.

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. Rojas-Gonzalez, like the Petitioner in *Hyppolite*, is subject is subject to detention pursuant to 8 U.S.C. § 1225(b)(2)(A).[4]

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[2] This claim asserts that the Petitioner is entitled to relief pursuant to *Maldonado Bautista*. The Respondents disagree with Petitioner's assertions of the nationwide effects of the *Maldonado Bautista* cases and notes that this Court not reach the issue should it determine that the Petitioner is entitled to relief on other grounds. The Respondents also note that, in other cases, the Government has argued that: (1) the *Maldonado Bautista* declaratory judgement is void with respect to petitioners and custodians outside the Central District of California on jurisdictional grounds; and (2) the Court should not give preclusive effect to the declaratory judgment because it is on appeal; and (3) issue preclusion is inapplicable, particularly as preclusion principles apply with less force both against the Government and in habeas corpus proceedings. These arguments were adopted by at least two District Courts. *See Calderon Lopez v. Lyons*, 2025 WL 3683918, (N.D. Tex. Dec. 19, 2025); *Rodriguez v. Jeffreys, et al.*, 2025 WL 3754411 (D. Neb. Dec. 29, 2025).

[3] The Court should not entertain the APA claim. The limited waiver of sovereign immunity in the APA is only for agency action "for which there is no other adequate remedy in a court." 5 U.S.C. § 704. The Petitioner has availed himself of an adequate remedy, specifically, a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Habeas is generally the only possible district court vehicle for challenges brought pursuant to immigration statutes. *See Trump v. J.G.G.*, 604 U.S. 670, 674 (2025) (Kavanaugh, J., concurring) ("[G]iven 5 U.S.C. § 704, which states that claims under the APA are not available when there is another 'adequate remedy in a court,' I agree with the Court that habeas corpus, and the APA, is the proper vehicle here.").

[4]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.)., and The Respondents reserve all rights in this case, including the right to appeal.

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

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney

By: */s/ Richard K. Hayes*
Richard K. Hayes
Assistant U.S. Attorney
(718) 254-6050
richard.hayes@usdoj.gov

cc: Counsel for Petitioner (by ECF)

Exhibits to Respondents' Letter Brief

Exhibit A

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. [redacted]

Date: 01/02/2026

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that CAMPOS JOVEL, Joan Emmanuel is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☒ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

J. Langlois - SDDO

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at East Meadow, NY (Location)

on JOAN CAMPOS (Name of Alien) on 2/17/26 (Date of Service), and the contents of this notice were read to him or her in the SPANISH (Language) language.

Name and Signature of Officer

N/A

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

Exhibit B