



U.S. Department of Justice

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Honorable Pamela K. Chen
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

March 10, 2026

Re: *J.R.R. v. Genalo*, No. 26-cv-1245 (Chen, J.)

Dear Judge Chen:

This Office represents Respondents U.S. Attorney General Pamela Bondi, U.S. Department of Homeland Security (“DHS”) Secretary, Acting U.S. Immigration and Customs Enforcement (“ICE”) Director Todd M. Lyons, and ICE New York Field Office Director Kenneth Genalo, (collectively, “Respondents”) in this habeas case in which Petitioner J.R.R., an alien in removal proceedings, filed a petition for a writ of habeas corpus on March 3, 2026 challenging his detention by U.S. Immigration and Customs Enforcement (“ICE”). *See* ECF No. 1. The legal issues presented concern, *inter alia*, 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 immediately release him from detention.

The Order to Show Cause directs the United States Attorney, as attorney for Respondents, to show cause why the petition should not be granted and why Respondents should not be ordered to immediately release Petitioner from detention. This Court has previously ruled on these central legal issues in *R.A.R.R. v. Almodovar*, No. 25-cv-6597 (E.D.N.Y. Dec. 19, 2025) (Chen, J.) and *Yin v. Maldonado*, No. 26-cv-0103, 2026 WL 295389, at *1 (E.D.N.Y. Feb. 4, 2026) (Chen, J.). Respondents respectfully submit this letter brief in lieu of a formal memorandum to conserve judicial and party resources and to expedite adjudication.

This case turns on ICE’s statutory detention authority and whether Petitioner is entitled to a bond hearing. Because this Court has previously ruled on these central legal issues in *R.A.R.R.* and *Yin*, as discussed below, and 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.

Relevant Facts

Petitioner unlawfully entered the United States in April 2019 as a minor by crossing the U.S.-Mexico border without inspection or admission. He was apprehended by Customs and Border Protection shortly after arrival, and the Department of Homeland Security (“DHS”) commenced removal proceedings against Petitioner by serving him with a Notice to Appear. Petitioner was temporarily detained in the custody of the Office of Refugee Resettlement (“ORR”), a division of the Department of Health and Human Services, then released to a verified sponsor on June 10, 2019 (before his eighteenth birthday).

On March 3, 2026, ICE rearrested Petitioner and detained him pursuant to 8 U.S.C. § 1225(b)(2)(A). He is presently in custody at the Delaney Hall Detention Facility in Newark, New Jersey. Petitioner has never been admitted to the United States and remains detained under § 1225(b)(2)(A).

Habeas Petition

Petitioner commenced this action on March 3, 2026. ECF No. 1. Petitioner argues that his mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A) violates his procedural due process rights. *See* ECF No. 1, ¶¶ 109-18. Petitioner also argues that he is entitled to either immediate release or a bond hearing. *See* ECF No. 1, Prayer for Relief ¶ 3.

The R.A.R.R. and Yin Decisions

On December 19, 2025, this Court issued an oral ruling on the principal legal question presented in this action in a similar habeas case challenging an alien's re-detention after prior release. *R.A.R.R. v. Almodovar*, No. 25-cv-6597 (Chen, J.) (Oral Ruling Dec. 19, 2025 and Docket Order dated Dec. 19, 2025). The Court concluded that the petitioner, who was detained as an unaccompanied alien minor ("UAC") after crossing the border in 2024, placed in ORR custody, then released to a verified family sponsor, and who was arrested again in August 2025 (after he had turned 18), was detained pursuant to § 1226 and not, as ICE contended, § 1225 as an applicant for admission.¹

The Court stated that it was persuaded by the reasoning of the "legion of cases" considering similar petitions that have rejected the government's position, concluding that detention of the petitioner without process violated his due process rights.² The Court granted the petition. On

¹ ICE contended that the petitioner's detention was governed by 8 U.S.C. § 1225(b)(2)(A) because, as an alien who entered without inspection or parole, and who was initially detained after crossing the border, he was an applicant for admission who is treated, for constitutional purposes, as if stopped at the border. As such, he would not be entitled to release or a bond hearing that is a feature of detentions under 8 U.S.C. § 1226(a). *See R.A.R.R. v. Almodovar*, No. 25-cv-6597, ECF No. 11, 18-31 (Resp's Mem. Law Opp.).

² At the time of this filing, one district court judge in this District, and five other district court judges in this Circuit, have endorsed the government's interpretation of the relevant statutory provisions. On February 11, 2026, the Honorable Brian M. Cogan issued a decision in *Saamishvili v. Flanagan*, No. 25-cv-6178, 2026 WL 377574 (E.D.N.Y. Feb. 11, 2026), *notice of appeal filed* Feb. 12, 2026 concurring with the Respondents' statutory construction. *See id.* at *3 ("Since his unlawful entry, petitioner has been, and continues to be, subject to the mandatory detention requirement of Section 1225(b)(2)(A).").

In *Xiaoquan Chen v. Almodovar*, No. 25-cv-8350, 2025 WL 3484855, at *7 (S.D.N.Y. Dec. 4, 2025), *notice of appeal filed* Dec. 16, 2025, the petitioner had entered the United States without having been admitted, was detained, and was released on his own recognizance due to lack of bed space; he was recently re-detained pursuant to 8 U.S.C. § 1225(b)(2)(A). The Honorable Mary Kay Vyskocil dismissed the habeas petition, holding that "under the plain language" of § 1225(b)(2)(A), which by its terms requires mandatory detention for "applicant[s] for admission," the petitioner—an applicant for admission—was subject to mandatory detention. *Xiaoquan Chen*, 2025 WL 3484855 at *4. In particular, the court cited the statutory definition of "applicant for admission" in Section 1225(a), which "is specifically defined to include an 'alien present in the United States who has not been admitted.'" *Id.* (emphasis in *Xiaoquan Chen*) (citing Section 1255(a)). Moreover, the court noted that the terms "'admitted' and 'admission' are specifically defined in terms of 'lawful' entry," not mere physical entry. *Id.* (emphasis in *Xiaoquan Chen*) (citing 8

February 6, 2026, this Court issued a written decision that elaborated on its reasoning. *R.A.R.R. v. Maldonado*, No. 25-cv-6597, 2026 WL 323040 (E.D.N.Y. Feb. 6, 2026).

U.S.C. § 1101(a)(13)(A)); *accord Candido v. Bondi*, No. 25-cv-867, 2025 WL 3484932, at *1-2 (W.D.N.Y. Dec. 4, 2025) (holding detention under 8 U.S.C. § 1225(b)(2)(A) was proper for alien present in United States unlawfully without having been admitted based on a “a straightforward and fair reading of the governing statute,” noting that “[t]he fact that more district courts . . . have decided this issue differently from this [c]ourt is neither binding nor persuasive”), *notice of appeal filed* Dec. 16, 2025. *Xiaoquan Chen* also rejected the proposition that Congress would not have needed to pass the LRA – which provides for mandatory detention for “inadmissible” aliens charged with, arrested for, convicted of, or who admit to, certain crimes – if Section 1225 already provided for mandatory detention. *Xiaoquan Chen*, 2025 WL 3484855, at *6-7. The court explained, *inter alia*, that the LRA mandates detention in additional circumstances – for example, for aliens who fraudulently procure visas – not covered by Section 1225. *Id.*; *accord Arcana v. Arteta*, No. 26-cv-240, 2026 WL 279786 (S.D.N.Y. Feb. 3, 2026) (Woods, J.) (adopting the reasoning of *Xiaoquan Chen*). On December 15, 2025, Judge Vyskocil issued another decision concluding that the Government’s interpretation is correct. *See Wenxin Liang v. Almodovar*, No. 25-cv-9322, 2025 WL 9322, at *4-11 (S.D.N.Y. Dec. 15, 2025) (holding that petitioner who entered the United States without being admitted was properly subject to detention under the plain language of Section 1225, notwithstanding prior release on his own recognizance under Section 1226, and further concluding that petitioner was not entitled to any process beyond that set forth in the statute).

In *Yinxiao Chen v. Almodovar*, No. 25-cv-9670, 2026 WL 100761 (S.D.N.Y. Jan. 14, 2026), the Honorable John P. Cronan issued a decision endorsing the Government’s interpretation. In *Yinxiao Chen*, the petitioner entered the United States without inspection or legal documents, was arrested and later released on his own recognizance under 8 U.S.C. § 1226, served with a Notice to Appear for removal proceedings, and recently detained under 8 U.S.C. § 1225(b)(2)(A). *See Yinxiao Chen*, 2026 WL 100761 at *5-*6. Judge Cronan denied the habeas petition, concluding that the text, structure, and context of § 1225(b)(2)(A) confirm that statute covers aliens like that petitioner. *Id.* at *8-14.

With respect to the text of § 1225(b)(2)(A), Judge Cronan held that § 1225(a)(1) “‘deem[s]’” an “applicant for admission” “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival . . .).” *See id.* at *8 (emphasis supplied in *Yinxiao Chen*). Given that the detention authority in § 1225(b)(2)(A) covers “an alien who is an applicant for admission,” Judge Cronan held, it follows that “[p]ut together, Section 1225(b)(2)(A) initially reaches situations concerning noncitizens . . . present in the United States who have not gained lawful entry into the country after inspection and authorization by an immigration officer.” *Id.*; *accord, Alvarado Quezada v. Francis*, No. 26 Civ. 387, 2026 WL 380711 (S.D.N.Y. Feb. 11, 2026) (Cronan, J.).

The Honorable Jennifer F. Rearden, in *Weng v. Genalo*, No. 25-cv-9595, 2025 WL 194248 (S.D.N.Y. Jan. 25, 2026), concluded that the petitioner in that case was subject to § 1225(b)(2)(A) mandatory detention even though ICE had previously released him from detention on a § 1226(a)(2)(B) order of release on recognizance. Judge Rearden noted that Congress in 1996 enacted § 1225(a)(1) and 8 U.S.C. § 1101(a)(13)(A), which together limited the category of those “admitted” to persons who lawfully entered the United States. *Id.* at *3. Thus, persons who entered the United States unlawfully have not been “admitted” and are subject to § 1225(b)(2)(A) mandatory detention. *Id.* Judge Rearden also, *inter alia*, declined to follow the courts that have held § 1226 (a) mandatory detention applies only to persons who are “seeking admission” and thus cannot apply to persons who are already in the United States. She perceptively noted that “the term ‘applicant for admission’ in Section 1225 is defined to include an ‘alien present in the United States who has not been admitted,’” 8 U.S.C. § 1101(a)(13)(A) (emphasis added) and thus explicitly encompasses aliens who are ‘already here.’” *Id.* at *4; *accord Espinoza Lopez v. Noem*, No. 26 CIV. 00345 (JHR), 2026 WL 266597 (S.D.N.Y. Feb. 2, 2026) (Rearden, J.).

In addition, Respondents note that the first court of appeals to issue a merits decision interpreting the relevant statutory provisions has agreed with the government’s interpretation. *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 501-08 (5th Cir. 2026).

In *Yin v. Maldonado*, another case alleging improper detention pursuant to § 1225(b)(2)(A), this Court “adhere[d] to its conclusion in *R.A.R.R.* that Section 1226(a), not Section 1225(b)(2)(A), governs Petitioner’s detention.” *Yin*, 2026 WL 295389, at *2.

Discussion as to 8 U.S.C. § 1225(b)(2)(A)

While Respondents respectfully disagree with Your Honor’s decision in *R.A.R.R.*, Respondents acknowledge that these decisions would control the result in this case if the Court adheres to it, because, as in that case, ICE’s detention of the Petitioner in this case is based on ICE’s position as to the scope of 8 U.S.C. § 1225(b)(2)(A), and the Court rejected that position in *R.A.R.R.* Thus, to conserve judicial resources and to expedite the Court’s consideration of this case, Respondents hereby rely upon, and incorporates by reference, the legal arguments it presented in *R.A.R.R.*³ and respectfully submits that the Court can decide this matter without further briefing. Notwithstanding its submission of this letter in lieu of a formal brief, Respondents reserve all rights, including the right to appeal.⁴

Accordingly, for the reasons set forth in the Government’s brief in *R.A.R.R.*, Respondents respectfully request that the Court deny this habeas petition.

Thank you for the Court’s time and attention to this matter.

Respectfully submitted,

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³ Specifically, the government incorporates by reference all arguments raised in its opposition brief in *R.A.R.R.*, No. 25-cv-6597, ECF No. 11.

⁴ In addition to pending appeals by petitioners regarding the denials of habeas petitions, the government has appealed the grant of a habeas petition in *Da Cunha v. Moniz*, No. 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 Second Circuit granted the government’s motion to expedite the appeal. *See Cunha v. Moniz*, No. 25-3141 (2d Cir.) Jan. 30, 2026 Order. Briefing was completed on March 3, 2026, and oral argument has been scheduled for April 6, 2026. *See id.* Mar. 6, 2026 Order.