U.S. Department of Justice

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By ECF

March 10, 2026

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

Re: *Meza-Figueredo v. Bondi, et al.*, No. 26-cv-1320 (Merle, J.)

Dear Judge Merle:

This Office represents Respondents U.S. Attorney General Pamela Bondi, U.S. Department of Homeland Security ("DHS") Secretary Kristi Noem, Senior Official Performing the Duties of Immigrations and Customs Enforcement ("ICE") Director Todd M. Lyons, and Acting ICE Executive Associate Director, Enforcement and Removal Operations Marcos Charles (collectively, "Respondents") in this habeas case, in which Petitioner Gabriel Alejandro Meza-Figueredo challenges his detention by ICE. *See* ECF No. 1. Respondents submit this response in accordance with the Court's Order to Show Cause dated March 6, 2026 (as modified by the Scheduling Order dated March 9, 2026), which directed the Respondents to submit a letter "stating: (1) the statutory provision(s) under which respondents assert the authority to detain petitioner; and (2) whether there is any material basis to distinguish the instant case from this Court's prior decisions in *Y- C- v. Genalo*, No. 25-cv-06558, 2025 WL 3653496 (E.D.N.Y. Dec. 17, 2025), *Crespo Tacuri v. Genalo*, No. 25-cv-6896, 2026 WL 35569 (E.D.N.Y. Jan. 6, 2026), *Terrero v. Tsoukaris*, No. 26-cv-00869 (E.D.N.Y. Mar. 4, 2026), or any other decision of this Court." ECF No. 4.

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 *Crespo Tacuri v. Genalo*, No. 25-cv-6896, 2026 WL 35569 (E.D.N.Y. Jan. 6, 2026) (Merle, J.) and *Y- C- v. Genalo*, 25-cv-6558, 2025 WL 3653496 (Merle, J.) (E.D.N.Y. Dec. 17, 2025) (Merle, J.), 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 or around September 2023 by crossing the U.S.-Mexico border without inspection or admission. He was apprehended by Customs and Border Protection that same month, and the Department of Homeland Security ("DHS") commenced removal proceedings against Petitioner by serving him with a Notice to Appear. On September 15, 2023, ICE released Petitioner from custody on an order of recognizance.

On February 25, 2026, ICE rearrested Petitioner and detained him pursuant to 8 U.S.C. § 1225(b)(2)(A). He was later transferred to the Metropolitan Detention Center in Brooklyn, New York, where he is presently in custody. 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 6, 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, ¶¶ 31-34. Petitioner also argues that he should be deemed detained pursuant to 8 U.S.C. § 1226, and that he is entitled to either immediate release or a bond hearing. *See* ECF No. 1, ¶ 23.

Crespo Tacuri* and *Y- C-

On January 6, 2026, this Court issued a decision on the principal legal question presented in this action in a similar habeas case challenging an alien's detention pursuant to 8 U.S.C. § 1225(b)(2)(A) after having been present in the country for a period of time. *Crespo Tacuri v. Genalo*, No. 25-cv-6896, 2026 WL 35569 (E.D.N.Y. Jan. 6, 2026).

The Court's decision addressed three issues. First, the Court concluded that, notwithstanding the fact that Crespo Tacuri was never admitted into the United States, he was not an "applicant for admission" under § 1225(a)(1) because he was not also seeking admission pursuant to § 1225(b)(2)(A). *Crespo Tacuri*, 2026 WL 35569, at *4-5. As result, the Court found that petitioner was someone "already in the country," and therefore subject to discretionary detention under § 1226(a). *See id.* at *5 (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 283 (2018)).[1] Second, the Court held that the due process clause of the Fifth Amendment not only applied to Crespo Tacuri but also provided him with protections beyond the process afforded to him by the INA. *See Crespo Tacuri*, 2026 WL 35569, at *6. According to the Court, this was because an individual, like him, "who has been within the United States for nearly 30 years," cannot be considered stopped at the border. *See id.* at *7.[2] According to the decision, Crespo Tacuri's detention without a bond hearing, therefore, violated the due process clause. *Id.* at *7. Finally, the Court concluded that the appropriate remedy for the due process violation was immediate release. *Id.* The Court granted Crespo Tacuri's petition and directed the Government to

[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, 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 Crespo Tacuri*, No. 25-cv-6896 (Merle, J.), ECF No. 18, at 10 (Resp's Mem. Law Opp.).

[2] Respondents respectfully disagree that the prior release of petitioner under Section 1226 is controlling. Another court in this Circuit recently rejected the proposition that "if one presidential administration fails to enforce a statute, the next administration cannot enforce it, even though the statute clearly applies, according to its plain terms, and no promises not to enforce it have been made." *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, No. 25-3169 (2d Cir.); *see also Liang v. Almodovar*, No. 25-cv-9322, 2025 WL 3641512 at *8 (S.D.N.Y. Dec. 15, 2025) (rejecting proposition that "prior Administration's decision to catch and then release Petitioner into the interior under Section 1226 means that the current Administration has 'relinquished the authority[]' . . . to apply Section 1225 according to its plain terms.").

release the petitioner from custody. *Id.* at *8.[3]

The Court reached a similar conclusion in *Y- C-. Y- C- v. Genalo*, No. 25-cv-6558, 2025 WL 3653496 (Merle, J.) (E.D.N.Y. Dec. 17, 2025) (Merle, J.). Of particular relevance to this matter, the petitioner in *Y- C-*, like the Petitioner here, was apprehended when he arrived in the United States, released on his own recognizance pursuant to 8 U.S.C. § 1226(a), and later detained pursuant to 8 U.S.C. § 1225(b)(2)(A). *Y- C-*, 2025 WL 3653496, at *2. The Court found the petitioner's prior release pursuant to § 1226 to be the "principal reason" that the due process clause governed the petitioners' detention. *Id.* at *6. The Court therefore granted the petition and ordered the petitioner to be released.

Discussion

Petitioner alleges that his detention violates his due process rights. *See* ECF No. 1.

While Respondents respectfully disagree with the Court's decisions in *Crespo Tacuri* and *Y-C-*, they acknowledge that those decisions would control the result in this case if the Court adheres to those decisions, as the facts of this case are materially indistinguishable from those of *Crespo Tacuri* and *Y-C-*. Thus, to conserve judicial resources and to expedite the Court's consideration of this case, the Respondents hereby rely upon, and incorporate by reference, the legal arguments presented by the Government in *Crespo Tacuri* and *Y-C-*[4] and respectfully submit that the Court can decide this matter without further briefing. 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 its submission of this letter in lieu of a formal brief, Respondents reserve all rights, including the right to appeal.[5]

Accordingly, for the reasons set forth in the government's briefs in *Crespo Tacuri* and *Y-C-*, Respondents respectfully request that the Court deny this habeas petition.

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[3] The Court acknowledged in *Crespo Tacuri*, at the time of its January 6, 2026 decision, and in *Y-C-*, at the time of its December 17, 2025 decision, that other courts in this Circuit had endorsed the government's interpretation of the relevant statutory provisions, *see id.* at *3, a group which still more courts—including one from this District—have since joined. *See Saamishvili v. Flanagan*, No. 25-cv-6178, 2026 WL 377574 (E.D.N.Y. Feb. 11, 2026) (Cogan, J.); *Arana v. Arteta*, No. 26-cv-240, 2026 WL 279786 (S.D.N.Y. Feb. 3, 2026) (Woods, J.); *Acosta v. Arteta*, No. 25-cv-9916, 2026 WL 263470 (S.D.N.Y. Feb. 2, 2026) (Vyskocil, J.); *Lopez v. Noem*, No. 26-cv-345, 2026 WL 266597 (S.D.N.Y. Feb. 2, 2026) (Rearden, J.); *Quintero v. Francis*, No. 25-cv-10107, 2026 WL 265921 (S.D.N.Y. Feb. 2, 2026) (Vyskocil, J.); *Weng v. Genalo*, No. 25-cv-9595, 2025 WL 194248 (S.D.N.Y. Jan. 25, 2026); *Yinxiao Chen v. Almodovar*, No. 25 Civ. 9670, 2026 WL 100761 (S.D.N.Y. Jan. 14, 2026) (Cronan, 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, at 502-08 (5th Cir. 2026).

[4] Specifically, Respondents incorporate by reference all arguments raised in its opposition brief in *Crespo Tacuri*, No. 25-cv-6417, ECF No. 18. Respondents also incorporate by reference the arguments made in the opposition brief in *Y-C- v. Genalo*, No. 25-cv-6558, ECF No. 10, to the extent the Court concludes that those arguments are relevant here.

[5] 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.

Respondents thank the Court for its time and consideration of this request.

Respectfully submitted,

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