U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

March 12, 2026

BY ECF
Honorable Ramon E. Reyes, Jr.
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Salas Martinez v. Maldonado, et al.*, No. 26-cv-1342 (Reyes, J.)

Dear Judge Reyes:

This Office represents the Respondents in this habeas action, in which Petitioner Pedro Salas Martinez challenges his detention by U.S. Immigration and Customs Enforcement ("ICE"). *See* ECF No. 1. Respondents write respectfully in response to the Court's Order to Show Cause ("OTSC") directing Respondents to show cause in writing on or before March 12, 2026, why a writ of habeas corpus should not be issued and to "include all documentation related to Petitioner's September 25, 2025, arrest and detention[.]" *See* ECF No. 4.

The central legal issue in this case concerns ICE's statutory detention authority, which this Court addressed in *Chander v. Maldonado*, No. 26-cv-0021, ECF Nos. 9-10. While reserving all rights, including the right to appeal, Respondents respectfully submit this letter in lieu of a formal brief to conserve judicial and party resources, and to expedite the Court's consideration of this case.

A. Relevant Facts

Petitioner is a native and citizen of Mexico. Declaration of Rothshild Sanon ("Sanon Decl.") ¶ 3. On February 7, 2003 U.S. Border Patrol returned Petitioner to Mexico as a "voluntary return." *Id.* ¶ 4. After his February 2003 return to Mexico, Petitioner re-entered the United States on an unknown date and at an unknown location. *Id.* ¶ 5.

On May 6, 2006, Petitioner was arrested by the Dutchess County Sheriff's Office for violating N.Y. Veh. & Traf. Law § 1192.2 (driving while intoxicated), N.Y. Veh. & Traf. Law § 1192.2 (driving while intoxicated with .08 of 1% alcohol or more in blood), N.Y. Veh. & Traf. Law § 509.1 (operating a motor vehicle without a license) and N.Y. Veh. & Traf. Law § 1163(a) (unsafe turn or failure to give appropriate signal). *Id.* ¶ 6.

On August 1, 2006, Petitioner was convicted of N.Y. Veh. & Traf. Law § 1192.1 upon a guilty plea. Petitioner received a sentence of conditional discharge and a $300 fine. *Id.* ¶ 7.

On May 11, 2007, a bench warrant was issued for Petitioner, and he was returned on the warrant on May 31, 2007. *Id.* ¶ 8.

On June 2, 2024, Petitioner was arrested by the in Poughkeepsie, New York by the Poughkeepsie City Police Department for violations of N.Y. Penal Law § 140.25 (2) (burglary in the second degree; class C felony), N.Y. Penal Law § 145.05(2) (criminal mischief in the third degree; class E felony), and N.Y. Penal Law § 260.10(1) (endangering the welfare of a child less than 17; class A misdemeanor). *Id.* ¶ 9.

On February 11, 2025, Petitioner was arrested by the Poughkeepsie Town Police Department for unauthorized use of a vehicle, in violation of N.Y. Penal Law § 165.05(3). *Id.* ¶ 10. As a result of this arrest, ICE received a biometric Secure Communities hit pertaining to Petitioner. *Id.* Records checks indicated that Petitioner is a native and citizen of Mexico and lacked lawful immigration status to remain in the United States. *Id.*

On September 25, 2025, ICE officers observed a male subject matching the description of Petitioner near 355 Church Street in Poughkeepsie, New York. *Id.* ¶ 11. The officers observed Petitioner get into a Black Dodge Pickup Truck bearing NYS registration number 36895ML. *Id.* The officers conducted a vehicle stop in the vicinity of Rose Street and Main Street. *Id.* The officers, in high visibility police markings, approached the vehicle and asked Petitioner for his name and identification. *Id.* Petitioner replied that his name was "Pedro," and provided a New York State Driver's License bearing the name "Pedro Salas Martinez" and provided his date of birth. *Id.* The officers positively identified Petitioner as the target of their investigation. *Id.* Petitioner was informed of his warrant with ICE and was arrested pursuant to a Form I-200, Warrant for Arrest of Alien. *Id.* Petitioner was transported to the ICE Newburgh holding facility for processing. *Id.* During processing, Petitioner admitted that he illegally entered the United States along the United States/Mexico border years prior. *Id.*

On that same day, September 25, 2025, DHS served Petitioner with a Form I-862 Notice to Appear ("NTA") charging Petitioner with removability pursuant to Immigration and Nationality Act ("INA") § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as being an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General of the United States of America. *Id.* ¶ 12. DHS filed the NTA with the Executive Office for Immigration Review ("EOIR"), commencing removal proceedings. *Id.*

On February 25, 2025, Petitioner was transferred from the Newburgh holding facility to the Orange County Jail. *Id.* ¶ 13. On October 1, 2025, Petitioner was transferred from the Orange County Jail to Metropolitan Detention Complex, Brooklyn, where Petitioner remains detained pursuant to INA § 235(b)(2)(A); 8 U.S.C. § 1225(b)(2)(A). *Id.* On October 31, 2025, the immigration court sustained the charge of removability. *Id.* ¶ 14. On January 23, 2026, the immigration court denied Petitioner's application for relief from removal. *Id.* ¶ 15.

On February 12, 2026, Petitioner filed a Notice of Appeal of the immigration judge's decision with the Board of Immigration Appeals. *Id.* ¶ 16. The appeal remains pending. *Id.*

B. Habeas Petition

Petitioner commenced this action on March 8, 2026. *See* ECF No. 1. He argues that Respondents violated his procedural and substantive due process rights by detaining him "without any hearing to determine whether his ongoing detention is justified." Pet. at 6-7. He argues that 8 U.S.C. § 1225(b) does not apply to him and that he is instead detained under 8 U.S.C. § 1226 and must be afforded a bond hearing in accordance with that statute. *Id.* Petitioner also asserts an Administrative Procedure Act claim based on the allegation that his detention was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law." Pet. at 7-8. In his prayer for relief, Petitioner seeks, *inter alia*, immediate release from custody. Pet. at 8.

C. *Chander*

In *Chander*, You Honor addressed the detention authority issue central to this case. There, the petitioner—an unadmitted alien who had been in the United States for a number of years—alleged that his detention by ICE was governed by 8 U.S.C. § 1226(a), and that he was improperly denied a bond hearing in violation of that statute. The government argued, to the contrary, that the petitioner, an applicant for admission, was properly detained pursuant to 8 U.S.C. § 1225(b)(2)(A), which requires mandatory detention without the right to a bond hearing. Your Honor rejected the government's argument, granted the petition, and ordered Petitioner immediately released. *See Chander*, No. 26-cv-0021, ECF Nos. 9-10.

D. Discussion

Like the petitioner in *Chander*, Petitioner alleges that he has resided in the United States for a number of years, and that, accordingly, § 1225(b)(2)(A) does not apply to him and that he is entitled to a bond hearing under 8 U.S.C. § 1226(a). Respondents, as the government did in *Chander*, respectfully submit that Petitioner is in fact subject to mandatory detention under § 1225(b)(2)(A) and that he has received all the process due to him. Petitioner's arguments to the contrary, including based on his physical presence in the interior of the United States, are unavailing.[1]

---

[1] Since *Chander*, the Fifth Circuit, the Honorable Brian M. Cogan, and multiple Southern District of New York courts have recognized that 1225(b)(2)(A) requires detention without access to a bond hearing for all applicants for admission, including those encountered in the interior of the country. *See, e.g.*, *Buenrostro-Mendez v. Bondi*, 166 F. 4th 494 (5th Cir. 2026); *Saamishvili v. Flanagan*, No. 25-cv-6178, 2026 WL 377574, at *2-3 (E.D.N.Y. Feb. 11, 2026) (Cogan, J.), *appeal filed*; *Changgeng Chen v. Almodovar, et al.*, No. 25-cv-9995, 2026 WL 507707 (S.D.N.Y. Feb. 24, 2026) (Cronan, J.); *Alvarado Quezada v. Francis*, No. 26-cv-387, 2026 WL 380711 (S.D.N.Y. Feb. 11, 2026) (Cronan, 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.); *Espinoza Lopez v. Noem*, No. 26-cv-345, 2026 WL 266597 (S.D.N.Y. Feb. 2, 2026) (Rearden, J.); *Perez 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-09595, 2026 WL 194248 (S.D.N.Y. Jan. 25, 2026) (Rearden, J.); *Yinxiao Chen v. Almodovar*, No. 25-cv-9670, 2026 WL 100761 (S.D.N.Y. Jan. 14, 2026) (Cronan, J.); *Liang v. Almodovar*, No. 25-cv-9322, 2025 WL 3641512 (S.D.N.Y. Dec.15, 2025) (Vyskocil, J.), *appeal filed*; *Xiaoquan Chen v. Almodovar*, No. 25-8350, 2025 WL 3484855 (S.D.N.Y. Dec. 4, 2025) (Vyskocil, J.), *appeal filed*. Respondents acknowledge that a larger number of non-binding court decisions across the country have rejected Respondents' statutory construction. However, as recently explained by the Hon. John L. Sinatra, Jr., W.D.N.Y., "[t]he fact that more district courts nevertheless have decided this issue differently from this Court is neither binding nor persuasive." *Candido v. Bondi*, et al., 25-cv-867, 2025 WL 3484932 at *2 (Dec. 4, 2025). Respondents respectfully

While Respondents respectfully disagree with the Court's ruling in *Chander*, Respondents acknowledge that this case would be decided in Petitioner's favor if the Court adheres its reasoning in *Chander*. Thus, to conserve judicial resources and to expedite the Court's consideration of this case, Respondents hereby rely upon, and incorporate by reference, the legal arguments it presented in *Chander* and in *Chom v. Noem, et al.*, No. 26-cv-597 and respectfully submit that this case can be adjudicated without further briefing.

E. Conclusion

For the foregoing reasons, Respondents respectfully request that the Court deny the Petition. Respondents thank the Court for its time and consideration in this matter.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney

By: */s/ Geoffrey M. Stannard*
GEOFFREY M. STANNARD
Assistant U.S. Attorney
(718) 254-6229
geoffrey.stannard@usdoj.gov

Enclosures

cc: Michael Z. Goldman, Esq.
Counsel for Petitioner

note that 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 § 1226(a), not § 1225(b)(2)(A), applied), *appeal filed*, No. 25-3141. Briefing was completed on March 3, 2026 and oral argument has been scheduled for April 6, 2026.