U.S. Department of Justice

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Eastern District of New York

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By ECF

March 14, 2026

Honorable LaShann DeArcy Hall
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Sandoval Martinez v. Noem*, No. 26-cv-1359 (DeArcy Hall, J.)

Dear Judge DeArcy Hall:

This Office represents Respondents U.S. Attorney General Pamela Bondi, U.S. Department of Homeland Security ("DHS") Secretary Kristi Noem, Acting U.S. Immigration and Customs Enforcement ("ICE") New York Field Office Director Judith Almodovar, and Warden of the Metropolitan Detention Center, Brooklyn Raul Maldonado, Jr. (collectively, "Respondents") in this habeas case in which Petitioner Melsar Sandoval Martinez, an alien in removal proceedings, filed a petition for a writ of habeas corpus on March 9, 2026 challenging his detention by ICE. *See* ECF No. 1. Respondents write respectfully in response to the Court's Order to Show Cause ("OTSC") directing Respondents to show cause why Petitioner's writ of habeas corpus should not be granted. *See* OTSC, Mar. 10, 2026 Minute Entry.

The central legal issue in this case concerns ICE's statutory detention authority, which this Court addressed in *Estrada Alfaro v. Genalo*, No. 26-cv-761, Order (E.D.N.Y. Mar. 13, 2026), and *Singh v. Genalo*, No. 26-cv-937, Order, (E.D.N.Y. Mar. 13, 2026). 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.

Relevant Facts

Petitioner entered the United States unlawfully at an undetermined place, time, and location. *See* Declaration of Katherine Rey ("Rey Decl."), ¶ 3.

On February 12, 2026, ICE Long Island Fugitive Operations was conducting surveillance in Central Islip, New York when officers observed an individual matching the physical description of a primary target, who entered a vehicle as a passenger. Rey Decl., ¶ 4. ICE conducted a vehicle stop and Petitioner unsuccessfully attempted to flee. Rey Decl., ¶ 4 ICE asked Petitioner for identification, and Petitioner produced a Salvadoran passport with Petitioner's name and date of birth. Rey Decl., ¶ 4. During this encounter, Petitioner told ICE that he had unlawfully entered the United States approximately fifteen years ago. Rey Decl., ¶ 4.

ICE arrested Petitioner and detained him pursuant to 8 U.S.C. § 1225(b)(2)(A). Rey Decl., ¶¶ 4-5, 9. He was later transferred to the Metropolitan Detention Center in Brooklyn, New York, where he is presently in custody. Rey Decl., ¶ 9. Petitioner has never been admitted to the United States and remains detained under § 1225(b)(2)(A). Rey Decl., ¶ 13.

Habeas Petition

Petitioner commenced this action on March 9, 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, ¶¶ 100-03. Petitioner also argues that he should be deemed detained pursuant to 8 U.S.C. § 1226. *See* ECF No. 1, ¶¶ 95-99, and that among other relief he is entitled to immediate release. *See* ECF No. 1, at 32, Prayer for Relief.

Estrada Alfaro* and *Singh

Respondents contend that the Petitioner is an applicant for admission subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A) who has received all the process he is due and that he is not entitled to a bond hearing pursuant to 8 U.S.C. § 1226(a). In *Estrada Alfaro* and *Singh*, when presented with somewhat analogous facts, Your Honor granted the petition for habeas corpus. *Estrada Alfaro v. Genalo*, No. 26-cv-761, Order (E.D.N.Y. Mar. 13, 2026); *Singh v. Genalo*, No. 26-cv-937, Order, (E.D.N.Y. Mar. 13, 2026).[1] Respondents also acknowledge decisions in other cases within this district granting habeas relief based on determinations that the petitioners were not subject to mandatory detention pursuant to § 1225(b)(2)(A). *See, e.g., Ye v. Maldonado*, No. 25-cv-6417, 2025 WL 3521298 (E.D.N.Y. Dec. 8, 2025) (Donnelly, J.) and *O.F.B. v. Maldonado*, No. 25-cv-6336, 2025 WL 3277677 (E.D.N.Y. Nov. 25, 2025) (Gonzalez, J.).

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

Petitioner alleges that his arrest and detention violate his due process rights because he is subject to 8 U.S.C. § 1226, not the mandatory detention provisions of 8 U.S.C. § 1225. As noted, this Court has already resolved similar claims in other cases.

While Respondents respectfully disagree with the Court's rulings in *Estrada Alfaro* and *Singh*, Respondents acknowledge that this case would be decided in Petitioner's favor if the Court adheres to its conclusions in those cases.[2] Thus, to conserve judicial resources and to expedite the

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[1] In *Estrada Alfaro* and *Singh*, 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 Estrada Alfaro v. Genalo*, No. 26-cv-761 (DeArcy Hall, J.), ECF No. 6, at 20–25 (Resp. to Order to Show Cause); *Singh v. Genalo*, No. 26-cv-937 (DeArcy Hall, J.), ECF No. 8, at 19–24 (Resp. to Order to Show Cause).

[2] Respondents note that, 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 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*, 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 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 Arana 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, 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).

Court's consideration of this case, Respondents hereby rely upon, and incorporate by reference, the legal arguments they presented in *Estrada Alfaro* and in *Singh*, and respectfully submit that the Court can decide this matter without further briefing.[3] Notwithstanding their submission of this letter in lieu of a formal brief, Respondents reserve all rights, including the right to appeal.[4]

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

Respectfully submitted,

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Encl.

[3] Specifically, Respondents incorporate by reference the arguments raised in its opposition briefs in *Estrada Alfaro*, No. 26-cv-761, ECF No. 6, and *Singh*, No. 26-cv-937, ECF No. 8.

[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.