U.S. Department of Justice

United States Attorney
Eastern District of New York

610 Federal Plaza
Central Islip, New York 11722

March 21, 2026

VIA ECF

Honorable Nusrat J. Choudhury
United States District Court Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Jostin Nahum Blandon v. Maldonado, et al.*
No. 26-cv-1669 (Choudhury, J.)

Dear Judge Choudhury:

This Office represents Respondents in the above-referenced action, in which Petitioner Jostin Nahum Blandon ("Petitioner") filed a Petition for a writ of habeas corpus on March 20, 2026, challenging his detention by Immigration and Customs Enforcement ("ICE). *See* ECF Dkt. # 1. Respondents respectfully submit this letter in response to the Stay of Removal and Order to Show Cause entered on March 20, 2026 (ECF Dkt. # 3) (the "Order"), requiring Respondents to provide certain information identified by the Court by today, March 21, 2026, at 12 noon.

With regard to the questions posed to Respondents on the first two pages of the Order, Respondents respond as follows:

Petitioner is a native of Nicaragua and has been assigned A number 201-931-478. The undersigned has conferred with agency counsel for ICE who has stated that Petitioner is currently detained at the Metropolitan Detention Center ("MDC") in Brooklyn. *See* Declaration of ICE Acting Supervisory Detention and Deportation Officer ("SDDO") Michael Damiano, submitted herewith. At various times since his arrest on January 1, 2026, Petitioner has been detained at the Hold Room at 26 Federal Plaza in Manhattan and at the Orange County Jail in Goshen; he has been detained at MDC since January 12, 2026. *Id.* Petitioner has not been detained at the Central Islip, New York federal courthouse in connection with the 2026 arrest and, as of the filing of this letter, there is no indication that he will be detained there other than as required to produce him for the hearing scheduled to be conducted on March 24, 2026. In the event Petitioner is detained after March 24, 2026, there is a possibility that he will be transferred. ICE has been made aware of the Court's order prohibiting transfer of Petitioner to a facility outside of this district, the Southern District of New York or the District of New Jersey and has advised that he will not be transferred outside thereof prior to the Court's scheduled hearing on March 24, 2026. In the event Petitioner is transferred, this Office will promptly notify Petitioner's counsel. While detained at MDC,

Petitioner's counsel may contact Deportation Officer ("DO") Mayra Pardo-Figueroa at Mayra.A.Pardo-Figueroa@ice.dhs.gov.

Petitioner entered the United States without inspection on or about February 18, 2019, and was neither admitted nor paroled after inspection by an Immigration Officer. *See* Damiano Decl.. Petitioner was encountered by U.S. Customs and Border Protection and served with a Form I-862 Notice to Appear ("2009 NTA"). *Id.* Petitioner filed a Form I-360 Petition for Amerasian, Widow(er) of Special Immigrant Juvenile ("SIJ") with USCIS, which USCIS approved on December 4, 2020. *See* Damiano Decl.; Exh. B to Damiano Decl.[1]

After various proceedings in immigration court, on March 16, 2023, Petitioner's removal proceedings were dismissed upon the joint agreement of the parties. *See* Damiano Decl.; Exh. C to Damiano Decl. On April 18, 2023, USCIS granted Petitioner deferred action, which is a form of prosecutorial discretion exercised by USCIS that does not prevent the detention of criminal aliens. *See* Damiano Decl.; Exh. B to Damiano Decl.

On January 1, 2026, Petitioner was arrested and detained pursuant to Immigration and Nationality Act section 212(a)(6)(A)(i) and was again placed in removal proceedings. *See* Damiano Decl.; Exhs. D, E and F to Damiano Decl. Petitioner appeared in immigration court via VTC on January 8 and 20, 2026, and on February 3 and 17, 2026; he appeared with counsel at the proceedings conducted on January 20, February 3 and February 17. *See* Damiano Decl.; Exh. G to Damiano Decl. At the proceedings conducted on February 3, 2026, the immigration court sustained Petitioner's removability to Nicaragua. *See* Damiano Decl.; Exh. H to Damiano Decl. Petitioner filed applications for relief, and the immigration court has scheduled an individual merits hearing for March 26, 2026, with respect to those applications. *Id.*

A. Detention Authority

The statutory basis for detaining Petitioner is 8 U.S.C. § 1225(b)(2)(A). The legal issues presented concern whether Petitioner's detention violates his due process protections and the statutory authority for ICE's detention of Petitioner. While reserving all rights, including the right to appeal, Respondents submit that this Court has already ruled on the principal legal issues herein in *Rodriguez-Acurio v. Almodovar*, No. 25-cv-6065, 2025 WL 3314420 (E.D.N.Y. Nov. 28, 2025) ("*Rodriguez-Acurio*"), and other matters such as *Castellon v. Doe, et al.*, No. 26-cv-0647, Memorandum and Order entered February 7, 2026 (ECF Dkt. # 13) ("*Castellon*"); *Covelli-Chaparro v. Bondi, et al.,* No. 26-cv-0118, Opinion and Order entered January 15, 2026 (ECF Dkt. # 13) ("*Covelli-Chaparro*") *Acevedo v. Nassau Correctional Center, et al.*, No. 26-cv-0250, Minute Entry and Order entered January 28, 2026 ("*Acevedo*") and *Caraguay v. Larocco*, No. 26-cv-0569, Memorandum and Order entered on February 4, 2026 (ECF Dkt. # 15) ("*Caraguay*"). While the Government respectfully disagrees with the Court's decisions in *Rodriguez-Acurio*, *Castellon*, *Covelli-Chaparro*, *Acevedo* and *Caraguay*, the Government acknowledges that the 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 in *Rodriguez-Acurio.* Accordingly, Respondents adopt the Government's Memorandum of Law in *Rodriguez-Acurio* (ECF Dkt. # 14).

[1] The exhibits to the Damiano Decl. are designated as Exhibits B - H ; there is no Exhibit A.

Notwithstanding, Respondents note that a number of decisions in this Circuit have endorsed the Government's interpretation of the relevant statutory provisions, including the decision issued last month in *Saamishvili v. Flanagan*, No. 25-cv-6178, 2026 WL 377574 (E.D.N.Y. Feb. 11, 2026) (Cogan, J.), *appeal filed. See also, e.g. Chen v. Almodovar, et al.*, No. 25-cv-8350, 2025 WL 3484855, at *7 (S.D.N.Y. Dec. 4, 2025) (Vyskocil, J.), *notice of appeal filed; Liang v. Almodovar*, No. 25-cv-9322, at *4-11 (S.D.N.Y. Dec. 15, 2025) (Vyskocil, J.); *Chen v. Almodovar*, 25-cv-9670, 2026 WL 100761, at *8-9 (S.D.N.Y. Jan. 14, 2026) (Cronan, J.); *Weng v. Genalo et al.*, No. 25-cv-09595, 2026 WL 184627, at *1 (S.D.N.Y. Jan. 23, 2026) (Rearden, J.) ("Having considered the statutory text and other relevant authorities, the undisputed facts of this case, and the parties' submissions and oral arguments, the Court concludes that Petitioner's detention is governed by Section 1225."); *Arana v. Arteta*, 26-cv-240, 2026 WL 279786 (S.D.N.Y. Feb. 3, 2026) (Woods, J.) On February 6, 2026, the Court of Appeals for the Fifth Circuit, while not binding on this Court, held that the government's interpretation of 8 U.S.C. § 1225 was correct. *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026).[2]

B. Special Immigrant Juvenile Status

As to the question of whether either Special Immigrant Juvenile Status (SIJ) or Deferred Action precluded Respondents from arresting or detaining Petitioner, Respondents acknowledge that the Honorable Judge Gary Brown's decision in *Garcia Lanza*, issued after the February 25, 2026, evidentiary hearing in this action, would be dispositive if the Court follows that decision here. *See Garcia Lanza v Noem*, No. 26-cv-0029, --- F. Supp. 3d ---, 2026 WL 585130, at * 6 (E.D.N.Y. Mar. 3, 2026) (Brown, J.) ("[T]he 1225/1226 distinction argument misses the mark entirely: having been awarded SIJ status, deferred action and work authorization, and with no removal proceedings having been commenced, the petitioner simply was not subject to arrest."); *see also id.* at *10 (referring to the testimony of the three ICE Deportation Officers who testified in the February 25, 2026, evidentiary hearing in this matter as "nothing short of dumbfounding.").

Respondents respectfully disagree with the Court's decision in *Garcia Lanza*, particularly its conclusion that the grant of SIJS is the effective equivalent of parole. *See id.* ("While ICE did not parole Garcia Lanza, another branch of Government did: the United States Congress") (citing 8 U.S.C. § 1255(h) (an individual awarded SIJ status "shall be deemed ... to have been paroled into the United States")). However, Respondents respectfully note that SIJS is deemed to be parole *only* for the limited "purposes of subsection (a)," *i.e.* § 1255(a). *See* § 1255(h)(1); *see also Garcia Lanza*, 2026 WL 585130, at * 6 ("ICE's Policy Manual [ ] provides that 'the beneficiary of an approved SIJ petition is treated *for purposes of the adjustment application* as if the beneficiary has

[2] Notices of appeal were filed in two similar cases, *Da Cunha v. Moniz*, 25-cv-00867 (W.D.N.Y.) and *Chen v. Almodovar*, 25-8350 (S.D.N.Y.) In addition to the pending appeals by petitioners regarding the denials of habeas petitions as noted above, 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 Section 1226(a), not Section 1225(b)(2)(A), applied), *notice of appeal* filed Dec. 11, 2025, No. 25-3141 (2d Cir.) The *Cunha* appeal is scheduled for oral argument on April 4, 2026.

been paroled, regardless of the beneficiary's manner of arrival in the United States.'")[3] (emphasis added). Without the deeming language of § 1255(h)(1), SIJS applicants who, like Petitioner here, typically enter the United States without inspection, admission or parole, would not be eligible for adjustment of status which requires, *inter alia*, that the applicant be "inspected and admitted or paroled into the United States." § 1255(a). However, outside of its relevance to § 1255(a) adjustment process itself, SIJS is not deemed to be the equivalent of parole for any other purposes under the immigration law or USCIS policy, nor is it applicable to ICE's authority to arrest or detain individuals with SIJ status. *See* § 1255(h)(1); *Lira Caceres v. Shanahan*, No. 26-cv-00016, 2026 WL 233215, at * 3 n. 3 (E.D.N.Y. Jan. 28, 2026) (Merchant, J.) ("SIJ classification is merely a pathway to permanent residency; it does not strip the government of removal power.").

Additionally, the grant of deferred action is a discretionary act that does not preclude commencing, adjudicating or executing removal actions, but merely places some individuals with deferred action status at a lower priority level. *See* 8 C.F.R. 274.12(c)(14) (The grant of deferred action is "an act of administrative convenience to the government that gives some cases lower priority [for removal]"). The discretionary nature of this decision deprives district courts of jurisdiction to review "any cause or claim by or on behalf of any alien arising from the decision or action by [the Secretary of Homeland Security] to [1] commence proceedings, [2] adjudicate cases, or [3] execute removal orders against any alien under this chapter." 8 U.S.C. § 1252(g). "[T]his provision [§ 1252(g)] was an outgrowth of the Executive Branch's longstanding practice of 'deferred action,' under which the Government often would exercise its discretion to decline to proceed in the initiation or prosecution of various stages of the deportation process." *Siguencia-Romero v. Joyce*, No. 25-cv-8975, 2025 WL 3090887, *4 (S.D.N.Y. Nov. 5, 2025) (*citing Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483-84 (1999)). As stated in *Reno*, § 1252(g) is "directed against a particular evil: attempts to impose judicial constraints upon [certain categories of] prosecutorial discretion." *Reno*, 525 U.S. at 485 n. 9. As such, Respondents submit that neither Petitioner's SIJ status nor the grant of deferred action, which was revoked as an act of discretion, prevented ICE from arresting or detaining Petitioner, nor from initiating removal proceedings.

Nonetheless, to conserve judicial resources and to expedite the Court's consideration of this case, the government respectfully adopts its previous arguments in *Rodriguez-Acurio* and *Garcia Lanza*, and submits that the Court can decide this matter without further briefing or additional hearings.[4] 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 their submission of this letter in lieu of a formal brief, Respondents reserve all rights, including the right to appeal.

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[3] The Court attributes the quoted language to "ICE's Policy Manual," however, the quoted language comes from USCIS's policy manual. *See Garcia Lanza*, 2026 WL 585130, at * 6; *compare id.* at n.10 (citing link to USCIS policy manual).

[4] Respondents refer the Court to the Government's briefs in *Garcia Lanza*, filed on January 26, 2026 (Dkt. # 11), and on February 23, 2026 (Dkt. # 14).

Respondents thank the Court for its consideration of this submission.

Respectfully submitted,

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