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April 16, 2026

VIA ECF FILING
Honorable John M. Gallagher
United States District Court, EDPA
Edward N. Cahn Courthouse & Federal Building
504 W. Hamilton Street, Suite 4701
Allentown, PA 18101

Re: Rafael Xavier Da Silva v. Jamison, *et* al; No. 2:26-cv-2416-JMG

Dear Judge Gallagher:

Please accept this letter brief on behalf of the United States in the above referenced habeas action. On April 13, 2026, Rafael Xavier Da Silva filed a petition seeking release from detention. Per the Court's April 14, 2026 email to the parties, "[t]he Government shall advise the Court whether they oppose the Petition by 5:00 p.m. on Thursday, April 16, 2026, and, if so, whether they intend to make any arguments other than the ones made in *Moran Valle v. Wamsley et al.*, No. 2:25-cv-07110 (E.D. Pa. Jan. 27, 2026)."

I write to inform the Court that Respondents oppose the Petition for the same reasons set forth in the respondents' opposition to the *Moran Valle* petition, which are incorporated herein by reference and not waived. Specifically, that Petitioner here is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).[1] Based on

[1] The government is pursuing appeals in the Third Circuit related to both statutory and constitutional due-process claims. The matters on appeal are *Lopes De Andrade v. Director Philadelphia Field Office Immigration and Customs Enforcement, et al.*, No. 26-1454 (3d Cir.), and *Buele Morocho v. Warden Philadelphia FDC, et al.*, No. 26-1150 (3d Cir.), which are now consolidated for all purposes. The government's consolidated opening brief was filed on March 20, 2026. The Third Circuit granted the Government's motion to expedite the consolidated appeals and scheduled them for disposition by the Court during the week of May 11, 2026.

those incorporated arguments, respondents respectfully request that the Court deny the instant petition.

Respectfully submitted,

DAVID METCALF
United States Attorney

/s/ Monique Myatt Galloway
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cc: counsel of record, via ECF