U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

April 16, 2026

BY ECF
Honorable Nina R. Morrison
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Singh v. Maldonado, et al.*, No. 26-cv-2212 (Morrison, J.)

Dear Judge Morrison:

This Office represents the Respondents in this habeas case, in which Petitioner Inderpal Singh challenges his detention by U.S. Immigration and Customs Enforcement ("ICE"). *See* ECF No. 1. Respondents write respectfully in response to the Court's April 15, 2026 Order directing Respondents to file a letter by April 16, 2026 at 3:00 p.m. stating, *inter alia*, whether there is "any basis to distinguish the asserted grounds for detention in this case" from this Court's decision in *Hyppolite v. Noem*, 808 F. Supp. 3d 474 (E.D.N.Y. 2025) (Morrison, J.), and whether the conference scheduled for March 23, 2026 is necessary.

While reserving all rights, including the right to appeal, Respondents submit this letter in lieu of a formal memorandum of law to conserve judicial and party resources, and to expedite the Court's consideration of this case, in light of Your Honor's decision in *Hyppolite*, and respectfully submit that a conference is not necessary.

A. Relevant Facts

Petitioner, A# [redacted], is a national of India who illegally entered the United States and on or about December 2, 2022. *See* Pet. ¶ 1. He was apprehended by U.S. Customs and Border Patrol officers and released pursuant to an Order of Release on his Own Recognizance. On March 27, 2026, ICE arrested and detained him. *See* Pet. ¶ 2. He was later transferred to the Brooklyn Metropolitan Detention Center, where he is presently in custody. In accordance with the Court's order, Respondents report that ICE Officer Mindy Weber (mindy.weber@ice.dhs.gov) can facilitate counsel's access to Petitioner.

The Department of Homeland Security ("DHS") has commenced removal proceedings against Petitioner by serving him with a Notice to Appear. Those proceedings remain pending. Petitioner's merits hearing is scheduled for May 6, 2026.

Petitioner has never been admitted to the United States and remains detained under § 1225(b)(2)(A).

B. Habeas Petition

Petitioner commenced this action on April 15, 2026. *See* ECF No. 1 ("Pet."). He argues that his detention pursuant to § 1225(b)(2)(A) violates his procedural and substantive due process rights. *Id.* He asks the Court to, *inter alia*, issue a writ of habeas corpus ordering his immediate release from custody. Pet. at 8.

C. *Hyppolite*

The basis for Petitioner's detention is that, because he has not been admitted to the United States, he remains an applicant for admission and is thus subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Respondents acknowledge, however, that on October 7, 2025, Your Honor issued the *Hyppolite* decision that, *inter alia*, rejected the government's position as to the scope of 8 U.S.C. § 1225(b)(2)(A).Your Honor found that the *Hyppolite* petitioner was detained under 8 U.S.C. § 1226(a), not § 1225(b)(2)(A), because, among other things: (i) the Court interpreted Section 1225 to apply only to those "*presently* seeking to enter the United States, and not those, like Hyppolite, who have lived in the country for almost three years," and (ii) the mandatory detention provisions of the Laken Riley Act ("LRA"), Pub. L. 119-1, 139 Stat. 3 (2025), would be superfluous under the government's reading of § 1225(b)(2)(A). *Hyppolite*, 808 F. Supp. 3d at 484-90. Your Honor held that the Hyppolite's detention violated due process because, as an alien subject to § 1226, he should have received an individualized determination prior to his detention in accordance with § 1226(a). *Id.* at 491-94.

D. Discussion

While Respondents respectfully disagree with the Court's decision in *Hyppolite*, Respondents acknowledge that the Court will grant the Petition in this case if it adheres to its reasoning in *Hyppolite.* Petitioner's detention is based on ICE's position as to the scope of 8 U.S.C. § 1225(b)(2)(A), which Your Honor rejected in *Hyppolite*. Therefore, to conserve party and judicial resources and to expedite the Court's consideration, Respondents rely upon, and incorporate by reference, the legal arguments the government presented in *Hyppolite* [1] and respectfully submit that the Court can decide this matter without further briefing or argument.

Notwithstanding its submission of this letter in lieu of a formal brief, Respondents reserve all rights, including the right to appeal. [2]

---

[1] Specifically, the Government incorporates by reference the arguments raised in its opposition brief in *Hyppolite*, ECF No. 17.

[2] 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. Freden*, No. 25-CV-6532-MAV, 2025 WL 3280575, at *1 (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*, No. 25-3141 (2d Cir. Dec. 11, 2025). 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 was held on April 6, 2026.

E. Conclusion

Accordingly, for the reasons set forth in the Government's brief in *Hyppolite*, the Government respectfully requests that the Court deny this habeas petition. Further, given that the Court has previously addressed the central legal dispute in this case, Respondents respectfully submit that the hearing scheduled for April 24, 2026 is not necessary and respectfully request that it be adjourned *sine die*.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney

By: */s/ Kimberly A. Francis*
KIMBERLY A. FRANCIS
Assistant U.S. Attorney
(718) 254-6147
kimberly.francis@usdoj.gov

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