U.S. Department of Justice

United States Attorney
Eastern District of New York

610 Federal Plaza
Central Islip, New York 11722

April 18, 2026

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

Re: *Johnny Alvarado Sanchez v. Joyce, et al.*
No. 26-cv-2285 (Choudhury, J.)

Dear Judge Choudhury:

This Office represents Respondents in the above-referenced action, in which Petitioner Johnny Alvarado Sanchez ("Petitioner") filed a Petition for a writ of habeas corpus on April 17, 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 April 17, 2026 (ECF Dkt. #5) (the "Order"), requiring Respondents to provide certain information identified by the Court by today, April 18, 2026, at 2:00 p.m. As directed by the Order, Respondents address the merits of the Petition below, while reserving all rights, including the right to appeal, in lieu of a formal responsive memorandum of law to conserve judicial and party resources, and to expedite the Court's consideration of this case.

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 Honduras and has been assigned A number [redacted]. The undersigned has conferred with agency counsel for ICE who has stated that Petitioner is currently detained at the Metropolitan Detention Center in Brooklyn ("MDC"). *See* Declaration of ICE Deportation Officer ("DO") Spiro Vandoros ("Vandoros Decl."), submitted herewith. At the time of his arrest on February 5, 2026, Petitioner was transported to the ICE processing facility at the Central Islip, New York federal courthouse. The same day, February 5, 2026, he was transferred to Nassau County Correctional Center ("NCCC").[1] Subsequently, on February 6, 2025, Petitioner was transferred to Delaney Hall Detention Facility ("Delaney Hall") in New Jersey and was detained there until March 16, 2026, when he was transferred to MDC. Other than when he was first arrested on February 5, 2026, Petitioner has not been detained at the Central Islip, New York federal courthouse 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 April 23,

[1] For the avoidance of doubt, Petitioner was not detained overnight at the Central Islip courthouse.

2026. In the event Petitioner is detained after April 23, 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[2] and has advised that Petitioner will not be transferred outside thereof prior to the Court's scheduled hearing on April 23, 2026. In the event Petitioner is transferred, this Office will promptly notify Petitioner's counsel. While detained at MDC, Petitioner's counsel may contact Supervisory Detention and Deportation Officer ("SDDO") Mindy Weber at Mindy.Weber@ice.dhs.gov.

On October 28, 2004, United States Border Patrol arrested Plaintiff after he unlawfully entered the United States without inspection or parole. *See* Vandoros Decl. ¶ 6. Petitioner was issued a Notice to Appear (the "2004 NTA") placing him in removal proceedings. *See Id.* and *id.* Exh. A. On April 14, 2005, Petitioner was ordered removed in absentia by an Immigration Judge. *Id.* ¶ 7. On June 23, 2014, Petitioner's motion to reopen his case was granted. *Id.* ¶ 8. Petitioner was convicted of Disorderly Conduct in 2014 and of Harassment in the Second Degree in 2015. *Id.* ¶¶ 15, 16. On October 16, 2016, Petitioner's immigration proceedings were administratively closed. *Id.* ¶ 10.

On November 2, 2023, Petitioner was convicted of Driving While Ability Impaired ("DWAI"). *Id.* ¶ 17. On May 29, 2025, ICE filed a motion to re-calendar Petitioner's proceedings. *Id.* ¶ 11. On February 5, 2026, ICE became aware that Petitioner had an appointment scheduled with the Nassau County Department of Probation in connection with his DWAI arrest. *Id.* ¶ 18. Also on February 5, 2026, a Form I-200, Warrant for Arrest of Alien was executed, reflecting a determination that there is probable cause to believe Petitioner is removable from the United States because Petitioner lacks immigration status in the United States. *Id.* ¶ 19 and Ex. B.

On February 5, 2026, Petitioner was arrested at the Nassau County Department of Probation following a supervision meeting. *Id.* ¶ 24; Petition ¶ 2. Petitioner was then detained pursuant to Immigration and Nationality Act section 212(a)(6)(A)(i). *See* Vandoros Decl. ¶ 25. Petitioner's next immigration court date is June 16, 2026. *Id.* ¶ 14.

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*").

[2] Your Honor has also ordered that Petitioner not be removed from the United States pending the Court's further Order; ICE will comply with this Order as well but, even absent such Order, Respondents respectfully note that there is no administratively final order of removal for Petitioner.

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).

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).[3]

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 submits that the Court can decide this matter without further briefing or additional hearings. 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.

Respondents thank the Court for its consideration of this submission.

[3] 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.) Oral argument in the *Cunha* appeal was held on April 6, 2026.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney

By: /s/ *Marika M. Lyons*
Marika M. Lyons
Assistant United States Attorney
(631) 715-7822
marika.lyons@usdoj.gov

Cc: Counsel of record, by ECF