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April 23, 2026

Via ECF Filing

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

Re: *Martinez Martinez v. Jamison, et al.*, Civil No. 26-2576

Dear Judge Gallagher:

Please accept this letter brief in response to the Court's April 21, 2026 email requesting that respondents advise the Court whether they oppose Mr. Martinez Martinez's petition and, if so, whether they intend to make any arguments other than those made by the government in *Moran Valle v. Wamsley et al.*, No. 2:25-cv-07110 (E.D. Pa. Jan. 27, 2026).

Respondents oppose the Petition for the same reasons set forth in the Respondents' opposition to the *Moran Valle* petition and incorporate those arguments by reference herein. Specifically, that Petitioner here is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).[1]

Additionally, Respondents note that, while the government's position has been rejected by the vast majority of district courts to have considered it, including in this district, the two courts of appeals that have squarely considered the argument, the Fifth and Eighth Circuit Courts of Appeals, have agreed with the government. *See Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502 (5th Cir. Feb. 6, 2026) ("The everyday meaning of the statute's terms confirms that being an 'applicant for admission' is not a condition independent from 'seeking admission.'") and *Avila v.*

[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.

Bondi, No. 25-3248, 2026 U.S. App. LEXIS 8744, at *13 (8th Cir. Mar. 25, 2026) ("§ 1225(b)(2)(A) mandates the detention of unadmitted aliens already present inside the United States"); *but see Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1062 (7th Cir. 2025) (concluding upon review of application for stay of a preliminary injunction that the government was not likely to succeed on the merits of its argument for mandatory detention of applicants for admission present in the United States under § 1225(b)(2)(A)).

Respondents further argue that Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2) and the BIA's precedential decision in *Matter of Hurtado*, 29 I & N Dec. 216 (BIA 2025).

The United States respectfully asks the Court to deny the Petition.

Sincerely,

DAVID METCALF
United States Attorney

/s/ *Andrew R. Fuchs*
ANDREW R. FUCHS
Assistant United States Attorney

cc: counsel of record, via ECF