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April 23, 2026

VIA ECF FILING

Honorable Chad F. Kenney
Judge, United States District Court
6614 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1744

Re: Luis Sanchez-Villafranco v. Jamison, et al., Civ. No. 26-2606

Dear Judge Kenney:

Please accept this letter in response to the Court's April 21, 2026 order (ECF No. 3) directing that Respondents file a brief letter response addressing whether there are any factual circumstances that differentiate this case from recent other cases before Your Honor.

Though Respondents oppose the Petition, they concede that this matter is legally and factually similar to recent cases decided by this Court. Respondents nevertheless respectfully remain of the view that their legal positions are correct and therefore—despite the great weight of contrary decisions by this Court and in this District—incorporate the arguments made in those cases into this letter brief.[1]

[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.

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. 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.

Respectfully submitted,

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/s/ *David A. Degnan*
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cc: All counsel of record, via ECF