U.S. Department of Justice

United States Attorney
Eastern District of New York

271 Cadman Plaza East
Brooklyn, New York 11201

April 29, 2026

BY ECF
Honorable Natasha C. Merle
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Menjivar v. Genalo, et al.*, No. 26-cv-2506 (Merle, J.)

Dear Judge Merle:

This Office represents the Respondents in this habeas action. Respondents respectfully submit this letter in accordance with the sixth paragraph of Your Honor's Scheduling Order dated April 28, 2026 (Dkt. 4).

Immigration and Customs Enforcement ("ICE") is detaining Petitioner pursuant to 8 U.S.C. § 1231(a). Thus, the decisions listed in the aforementioned paragraph, which dealt with ICE's detention authority under statutes other § 1231(a), are inapplicable here.[1]

Respondents thank the Court for its consideration of this submission.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney

By: */s/ Elliot M. Schachner*
ELLIOT M. SCHACHNER
Assistant U.S. Attorney
(718) 254-6053

cc: All counsel of record (by ECF)

[1] Respondents submit this letter for the sole purpose of complying with their obligations under the sixth paragraph of the Scheduling Order, and without waiving any defense, argument or claim, including without limitation that this action is jurisdictionally barred by 8 U.S.C. §§ 1252(a)(5), 1252(b)(9) and 1252(g).