U.S. Department of Justice

United States Attorney
Eastern District of New York

610 Federal Plaza
Central Islip, New York 11722

April 30, 2026

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

Re: *Singh v. Blanche, et al.*
No. 26-cv-2538 (Choudhury, J.)

Dear Judge Choudhury:

This Office represents Respondents in the above-referenced action, in which Petitioner Jagtar Singh ("Petitioner") filed a Petition for a writ of habeas corpus on April 29, 2026, challenging his detention by Immigration and Customs Enforcement ("ICE"). *See* ECF Dkt. # 1.[1] Respondents respectfully submit this letter in response to the Stay of Removal and Order to Show Cause entered on April 29, 2026 (ECF Dkt. #5) (the "Order"), requiring Respondents to provide certain information identified by the Court by today, April 30, 2026, at 10:00 a.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 India 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") Kyle St John ("St John Decl."), submitted herewith, ¶ 19. At the time of his arrest on February 2, 2026, Petitioner was processed at 26 Federal Plaza and then transferred to Delaney Hall Detention Facility ("Delaney Hall") in New Jersey the same day. *Id.* ¶¶ 14, 19. Petitioner was subsequently transferred to MDC on February 11, 2026. *Id.* ¶ 19. Petitioner has not been detained at the Central Islip, New York federal courthouse in connection with the 2026 arrest and, as of the filing of this letter, there is no indication that he will be detained there other

[1] As mentioned in the Petition (Petition ¶ 36), Petitioner previously filed a habeas petition in this District on February 18, 2026. *See Singh v. Tsourakis*, 26-cv-948 (Gujarati, J.). That case was terminated after the filing of a Stipulation of Dismissal Without Prejudice. *See id.*, ECF No. 12 and Docket Entry dated March 23, 2026.

than as required to produce him for the hearing scheduled to be conducted on May 4, 2026. In the event Petitioner is detained after May 4, 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 May 4, 2026. In the event Petitioner is transferred, this Office will promptly notify Petitioner's counsel. While detained at MDC, Petitioner's counsel may contact Deportation Officer ("DO") Mincheol So at Mincheol.N.So@ice.dhs.gov.

On or about January 29, 2024, Petitioner unlawfully entered the United States without admission or parole and without being inspected by an immigration officer. *See* St John Decl. ¶ 5. He was encountered by Border Patrol on January 29, 2024, taken into custody, and served with a Notice to Appear, charging him as inadmissible. *See Id.* ¶¶ 5, 6. On January 29, 2024, he was released pursuant to an Order of Release on Recognizance. *See Id.* ¶ 7. ICE filed the NTA with the Executive Office for Immigration Review, placing him into removal proceedings. *Id.* ¶ 8.

On February 2, 2026, ICE arrested Petitioner and cancelled his Order on Recognizance. *See Id.* ¶ 14. Petitioner was detained pursuant to 8 U.S.C. § 1225(b)(2)(A). *See Id.* ¶ 15. Petitioner was transferred to the Metropolitan Detention Center in Brooklyn, New York, on February 11, 2026. *See Id.* ¶ 19. His next master calendar hearing in Immigration Court is May 4, 2026. *See Id.* ¶ 22.

The legal issues presented in this action concern whether Petitioner's detention violates his due process protections and the statutory authority for ICE's detention of Petitioner.

Da Cunha v. Freden, 25-3141-pr (2d Cir. Apr. 28, 2026) held that 8 U.S.C. § 1225(b)(2)(A) does not apply to aliens who are present in the United States after entering the country without inspection and admission, and who were not apprehended at or near the border at the time of entry. Rather, the Second Circuit ruled, 8 U.S.C. § 1226(a) applies. The Government is still evaluating its next steps in *Da Cunha*, which is controlling in the Second Circuit.[3] In any event, Respondents respectfully note that Your Honor's prior jurisprudence would, regardless of *Da Cunha*, find that Section 1226(a) rather than 1225(b)(2)(A) is the applicable detention authority. Specifically, 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

---

[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.

[3] For purposes of a potential future appeal in the event *Da Cunha* is vacated, stayed, or overruled, Respondents respectfully preserve their arguments that Section 1225(b)(2)(A) applies.

January 28, 2026 ("*Acevedo*") and *Caraguay v. Larocco*, No. 26-cv-0569, Memorandum and Order entered on February 4, 2026 (ECF Dkt. # 15) ("*Caraguay*").

To conserve judicial resources and to expedite the Court's consideration of this case, the government respectfully 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.

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