U.S. Department of Justice

United States Attorney
Eastern District of New York

610 Federal Plaza
Central Islip, New York 11722

May 12, 2026

Honorable Sanket J. Bulsara
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Inestroza Carbajal v. Almodovar,* No. 26-cv-2778 (Bulsara, J.)

Dear Judge Bulsara:

This Office represents Respondents in the above-captioned action in which Petitioner Juan Carlos Inestroza Carbajal ("Petitioner") filed a Petition for a writ of habeas corpus on May 8, 2026 challenging his detention by Immigration and Customs Enforcement ("ICE"). *See* Docket Entry ("DE") # 1. Respondents respectfully submit this letter pursuant to Your Honor's Order entered on May 11, 2026 requiring Respondents to "confirm in writing . . . whether Petitioner was arrested pursuant to an I-200 warrant or not . . . ."

ICE did not arrest Petitioner pursuant to an I-200 warrant. ICE arrested Petitioner pursuant to its authority under INA § 287(a)(2), 8 U.S.C. §1357(a)(2), which permits warrantless arrests in situations where there is reason to believe the alien is likely to escape before a warrant can be obtained. *See* Docket Entry 4-1, Declaration of Deportation Officer Dmitry Rousseau ("Rousseau Decl.") ¶ 6. Specifically, 8 U.S.C. § 1357(a)(2) provides that

> Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant . . . or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest, but the alien arrested shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States.

Here, when ICE Officers approached Petitioner's vehicle, Petitioner exited the vehicle and began to flee on foot. Rousseau Decl. ¶ 5. Records checks revealed Petitioner did not have legal status in the United States. *Id.* Petitioner stated he ran from the Officers "because you are immigration." *Id.*

Due to Petitioner's flight, access to a vehicle, as well as his reasoning for the flight, Officers determined that there were strong indicators that Petitioner would not be found at the scene or an identifiable location if Officers were to leave and return with a warrant. *Id.* ¶ 6.

Respondents thank the Court for consideration of this submission.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney

By: /s/ Megan Freismuth
Megan Freismuth
Assistant U.S. Attorney

Cc: Counsel of record by ECF