THE BRONX DEFENDERS

June 6, 2026

VIA ECF

Honorable Gary R. Brown
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

RE: *C.A.M.R. v. Mullin*, 26-cv-3369 (Brown, J.)

Dear Hon. Judge Brown:

This office represents Petitioner C.A.M.R. in the above-captioned matter. We respectfully submit this letter in reply to Respondents' letter of June 5, 2026. *See* ECF No. 10, Resp'ts' Ltr.; ECF No. 8, Order (instructing Respondents to show cause why C.A.M.R. should not be released on his own recognizance during the pendency of his Petition); ECF No. 11, Order (ordering C.A.M.R. to respond to Respondents' letter forthwith).

First, Respondents' letter, despite describing the issuance of C.A.M.R.'s Notice to Appear ("NTA"), fails to mention that U.S. Immigration and Customs Enforcement ("ICE") issued this NTA *after* arresting C.A.M.R., rendering his arrest unlawful and warranting his release from custody. *See* Ex. A, Form I-200 (showing date of issuance as February 24, 2026); ECF No. 1-3 (showing NTA dated February 25, 2026); *Sanchez Alvarez v. Mullin*, No. CV 26-0766 (GRB), 2026 WL 1382985, at *2 (E.D.N.Y. May 18, 2026) ("[T]his Court (and many others) have already repeatedly proscribed as plainly illegal the practice of issuing warrants . . . prior to the commencement of removal proceedings.").

Second, we dispute Respondents' contention that C.A.M.R.'s criminal charges—which are unproven allegations of nonviolent conduct, and which his ongoing detention prevents him from resolving—should foreclose his release from custody by this Court during the pendency of this Petition.

ICE Arrested C.A.M.R. Pursuant to an Administrative Warrant Before Issuing an NTA

An "NTA begins the removal process, and at that time or after its issuance, the Government can then effectuate [an] arrest, and, if necessary, detention, until removal proceedings are completed." *Gopie v. Lyons*, No. 25-CV-05229-SJB, 2025 WL 3167130, at *1 (E.D.N.Y. Nov. 13, 2025); *see also Niz-Chavez v. Garland*, 593 U.S. 155, 157–58 (2021) (stating that the Immigration and Nationality Act, or "INA," "requires the government to serve 'a notice to appear' on individuals it wishes to remove from this country"). The implementing regulations of the INA provide that, "[a]t the time of the issuance of the [NTA], or at any time thereafter . . . the respondent may be arrested and taken into custody under the authority of Form I-200, Warrant of Arrest." 8

C.F.R. § 1236.1. Numerous courts in this district, including this Court, have ordered petitioners released from ICE custody when the agency carried out arrests prior to issuing an NTA. *See, e.g.*, Order, *B.P.S. v. Genalo*, No. 26-cv-02923 (E.D.N.Y. May 19, 2026) (ordering release of petitioner because ICE arrested him pursuant to an administrative warrant executed the day before the NTA issued); *Yeleshev v. LaRocco*, No. 26-CV-2294-SJB, 2026 WL 1353806, at *4, *8 (E.D.N.Y. May 14, 2026) (finding that "ICE cannot arrest [an] individual pursuant to an I-200 before an NTA has issued" and granting the writ in part due to "the failure to initiate removal proceedings before or at the time of effectuating [the petitioner's] arrest").

Here, Respondents correctly state in their letter that ICE issued C.A.M.R.'s NTA on February 25, 2026, but elide the timing of his arrest. *See* Ltr. 1 ("On February 25, 2026, Petitioner was issued a Notice to Appear . . . ."); *see also* ECF No. 1-3, NTA (showing NTA dated February 25, 2026). Per records obtained through a Freedom of Information Act request, ICE's administrative arrest warrant for C.A.M.R. was generated on February 24, 2026, based on "statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate [he] lack[ed] immigration status . . . ." Ex. A, Form I-200 (reading "Date: 02/24/2026" at the top of the document). Although the warrant's certificate of service is dated February 25, 2026, the warrant itself is dated February 24, 2026, and was seemingly generated based on statements made by C.A.M.R. *See id.* The document therefore indicates that the agency had already arrested and taken C.A.M.R. into custody on February 24, 2026—prior to the date of issuance of the NTA. *See id.*

Consequently, because ICE arrested C.A.M.R. "pursuant to an I-200 before [the] NTA ha[d] issued," his arrest was unlawful, warranting granting of his Petition. *Yeleshev*, 2026 WL 1353806, at *4; *see also* Pet. ¶¶ 63–70, 106–10 (contending that C.A.M.R.'s arrest violated the INA and its implementing regulations).

C.A.M.R.'s Pending Criminal Charges Do Not Render Him a Danger to the Community

Respondents' letter, which does not include any exhibits, instead citing to C.A.M.R.'s Petition for some claims and including no evidence or citations for others, asserts that he should not be released due to his criminal history. *See* Resp'ts' Ltr. 2. C.A.M.R. respectfully disputes that the criminal charges pending against him—unproven allegations of nonviolent conduct—render him a danger to the community or a flight risk.

C.A.M.R. Faces Unproven Allegations and Detention Has Impeded His Ability to Defend Himself

First, the allegations against C.A.M.R. are unproven, and he has been hampered in his efforts to resolve his open cases due to his ongoing detention, raising serious due process concerns. *See* Pet. ¶¶ 37–40. With respect to his pending charges in Nassau County, he requested that he be brought to criminal court through a writ of habeas corpus *ad prosequendum*, but has not yet been produced as requested. *See id.* ¶ 38. This experience is consistent with the accounts of other petitioners, as well as academic research, describing the difficulties faced by individuals detained by ICE in attempting to resolve pending criminal proceedings. These challenges can ultimately prevent noncitizens from obtaining criminal defense counsel, compromise their right to a speedy

trial, and deprive them of their right to access the courts. *See* Tiffany J. Lieu, *The Accountability Deficit: When Immigration Detention Obstructs One's Day in Criminal Court*, 125 Colum. L. Rev. 1631, 1655–71 (2025).

Indeed, ICE detention frequently prevents noncitizens from vindicating their rights in criminal court. *See id.* at 1648–54. First, "[i]n some cases, ICE affirmatively prevents an individual from accessing criminal court proceedings by refusing to physically transport the individual to court and, moreover, refusing to permit anyone else to transport the individual." *Id.* at 1649 (describing a series of instances in 2017 in which ICE refused to honor state court writs seeking to produce noncitizens detained at the Plymouth County Correctional Facility in criminal court). Seemingly more common, however, are situations in which ICE "policies and practices may effectively obstruct court access." *Id.* at 1649–50. In such cases, although ICE does not explicitly refuse to release a noncitizen into the custody of local law enforcement, "practical barriers—many of which ICE itself manufactures—prevent local officials from being able to fill the . . . gap." *Id.* at 1650.

As C.A.M.R. has experienced, one such barrier is ICE's refusal "to produce an individual to criminal proceedings virtually." *Id.* at 1652; *see also* Pet. ¶ 38 (noting that Metropolitan Detention Center, or "MDC," where C.A.M.R. is detained, "does not offer videoconferences"). This problem is not isolated to MDC: at other ICE detention centers, such "refusal is a matter of policy, the constitutionality of which is currently being challenged in federal district court." *Id.*; *see also* Lieu, 125 Colum. L. Rev. at 1653 (quoting email from ICE to the administrator for Union City Municipal Court stating that "[t]he facility does not have the staff or resources for virtual hearings at all"); *Doe v. U.S. Dep't of Homeland Security*, No. CV 3:24-259, 2025 WL 360534, at *1 (W.D. Pa. Jan. 31, 2025), *opinion clarified*, No. CV 3:24-259, 2025 WL 949846 (W.D. Pa. Mar. 28, 2025) (describing civil rights action arguing that ICE detention center's policy and practice of preventing detained individuals from accessing New Jersey state court proceedings via videoconference technology was unlawful). In *Doe*, the plaintiffs sought a preliminary injunction requiring Moshannon Valley Processing Center ("MVPC") to honor writs for in-person proceedings and produce individuals via videoconference for New Jersey criminal court appearances, among other requirements. *See id.* at *1, *3. In granting the preliminary injunction, the court "found a causal connection between ICE/[MVPC]'s action in detaining the charged individual and assuming custody, [MVPC]'s refusing remote court attendance, and the resultant deprivations attributable to [MVPC]'s denial of access to attend hearings remotely at the detention center." *Id.* at *6.

Numerous other court decisions recount difficulties similar to those at issue in *Doe*. ICE declined to produce the petitioner in *Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020), in criminal court, for example, "on four separate occasions from February 2018 to April 2018," and he "faced similar obstacles in attempting to resolve the charges stemming from" a separate arrest. 978 F.3d at 847. The criminal court issued a bench warrant in connection with his failure to appear, even though he was in ICE custody at the time and his failure to appear was not willful. *Id.* Other habeas petitions describe comparable challenges in accessing criminal courts while in ICE custody. *See, e.g.*, *Linares Martinez v. Decker*, No. 18-CV-6527 (JMF), 2018 WL 5023946, at *1 (S.D.N.Y. Oct. 17, 2018) (noting that, "as a result of his immigration detention, [the petitioner] missed three

criminal court dates and has been unable to meet or speak with his court-appointed defense attorney"); *Jorge S. v. Sec'y of Homeland Sec.*, 18-CV-1842 (SRN/HB), 2018 WL 6332717, at *3 (D. Minn. Nov. 15, 2018) (enumerating difficulties in accessing criminal defense counsel after ICE detained the petitioner 300 miles from the location of his criminal proceedings).

When ICE stands in the way of a noncitizen who, like C.A.M.R., seeks to appear in criminal court, the agency jeopardizes the safeguards intended to protect criminal defendants under the Constitution. *See* Lieu, 125 Colum. L. Rev. at 1665. First, "obstruction of court access obstructs [noncitizens'] ability to obtain and maintain appointed public defense counsel." *Id.* at 1666 (describing how, in New Jersey, if an individual misses their first court appearance due to ICE detention, they also miss their opportunity to demonstrate eligibility for a public defender); *see also Doe*, 2025 WL 360534, at *5 n.6 (noting that the right to counsel "is one of many rights subverted when a detainee is denied an appearance in court"); *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963). Additionally, because judges often adjourn criminal proceedings over months or years while a noncitizen is detained by ICE, "that delay may run afoul of the constitutional and statutory right to a speedy trial." Lieu, 125 Colum. L. Rev. at 1668–69; *see also Klopfer v. North Carolina*, 386 U.S. 213, 223 (1967). More broadly, "when an individual is obstructed from court proceedings, that obstruction subverts the Supreme Court's recognition in *Bounds v. Smith* that it is 'established beyond doubt that [individuals] have a constitutional right of access to the courts.'" Lieu, 125 Colum. L. Rev. at 1670 (quoting 430 U.S. 817, 821 (1977)).

In sum, the allegations faced by C.A.M.R. are unproven, and he has been unable to defend himself against the charges while detained by ICE.

C.A.M.R. Has Never Been Accused of Violent Conduct and Has Deep Community Ties

Second, Respondents do not claim that C.A.M.R. has ever been accused of any violent conduct, and make no mention of the numerous mitigating factors at issue in his case, including his young age, the traumatic circumstances of his migration to the United States, and the deep community ties he has established here.

C.A.M.R., who turned twenty-one in ICE detention, entered the United States as an unaccompanied minor in June 2022. *See* ECF No. 1-1, at 1 (setting forth unaccompanied child information sheet). He reported at intake by the Office of Refugee Resettlement that he had been kidnapped during the journey, and subsequently lost contact with his mother. *See id.* at 2. He was ultimately released into the custody of his older sister, who has cared for him since his arrival in the United States. *See* Pet. ¶¶ 23–24.

Despite these challenging circumstances, C.A.M.R. has established deep roots on Long Island. He has a lawful permanent resident partner, whom he hopes to marry. *See* Ex. B, Letters of Support. She is committed to supporting C.A.M.R. in resolving his open criminal cases. *See id.* His former employers have asked her about C.A.M.R. and confirm that he has a job waiting for him should he be released. *See id.*

As to the status of C.A.M.R.'s pending removal proceedings, although the immigration judge declined to terminate his proceedings despite his membership in the certified class in *J.O.P. v. DHS*, 8:19-cv-01944 (D. Md.),[1] he continues to litigate his claim for asylum, withholding of removal, and protection under the Convention Against Torture in immigration court. He is scheduled for a final individual hearing before the immigration court on July 27, 2026. *See* Pet. ¶¶ 32–33.

In sum, C.A.M.R.—who, after surviving extreme trauma on his journey to the United States, has established deep roots on Long Island, and who has never been accused of any violent conduct—is neither a danger to the community nor a flight risk.

Respectfully submitted,

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[1] *See* J.O.P. Notice of Final Class Action Settlement (Nov. 2024), https://nipnlg.org/sites/default/files/2024-11/JOP-class-notice-Eng.pdf.