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Hon. Brenda K. Sannes
(filed via ecf)

Sauca Zapata v. Lyons, et al., 9:26-cv-1525 (BKS)

Dear Judge Sannes:

Please accept this renewed request for an Order either releasing Petitioner or granting a bond hearing in which Respondents have the burden of proof to show flight risk or danger by clear and convincing evidence, and to consider alternatives to detention.

Petitioner has now been detained for over a month and a half, since August 10, 2026. My Reply was filed on August 20, requesting release because the arrest was unlawful. As noted in the Reply, the Notice to Appear (Respondents' Exhibit D) was dated August 11, 2026 *the day after the arrest,* and it is clear that the I-200 (Exhibit B) must have been issued *after* the arrest.

In *Rea v. Ball*, 2026 US Dist. LEXIS 150026 (NDNY 7/2/26) and *Vergel Gonzalez v. Rhoney*, No. 9:26-cv-1436-MAD (NDNY 8/12/26) Dct. No. 9, Courts in this District recently held that ICE's arrest without the required warrant and escape finding violated due process, and ordered the petitioners released. Because there was no valid warrant at the time of the arrest herein, *Rea v. Ball* and the other cases cited above support immediate release.

In the alternative there could be an order for a burden-shifted bond hearing as discussed above.

Thank you.

Respectfully,

s/Kathy Manley
Counsel for Petitioner