

September 22, 2026

VIA CM/ECF

Susan E. Bindler
Clerk of the Court
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street
St. Louis, MO 63102

**Re: *Aleksei Morozov v. Field Office Director, US ICE, et al.*, No. 26-2113
Rule 28(j) Letter**

Dear Ms. Bindler:

Petitioner-Appellee Aleksei Morozov notifies the Court of *Padilla v. U.S. Immigr. & Customs Enf.*, No. 24-2801, Dkt. 56.1 (9th Cir. Sept. 21, 2026) (published), which rejects the “vast expansion” of the “entry fiction” advocated by Respondents-Appellants in this case. Slip op. at 45.

The panel majority held that the entry fiction only limits noncitizens’ procedural due process rights regarding *admission*—not standalone challenges to *detention*. Slip op. 38–45. “Unlike plenary power over admission,” which underpins the entry fiction, “the principle that the government cannot arbitrarily detain people, including noncitizens, has been a central tenet of British and American legal traditions since the thirteenth century.” *Id.* at 38–39. Indeed, “protection against restrictions on ‘liberty’ has been central to our national identity,” and “freedom from detention was understood as the foundation of all other rights.” *Id.* at 29–41.

Similarly, from the common law through the Founding, “[n]oncitizens could and did challenge their detention,” including civil detention, and enjoyed “widespread availability of bail as well as judicial review of the legality of confinement.” Slip op. at 41–44. For, “As Blackstone proclaimed, detention ungoverned by adequate procedures is ‘a dangerous engine of arbitrary government.’” *Id.* at 44 (citation omitted). Thus, “the political branch’s ‘plenary authority to decide which [noncitizens] to admit’” cannot limit noncitizens’ right to challenge detention. *Id.* at 45 (citation omitted).

Padilla thus supports Morozov’s position that the entry fiction has no bearing on his challenge to his arbitrary and processless re-detention.

Respectfully submitted,

/s/ Stephanie E. Norton

Stephanie E. Norton

National Immigration Project

1763 Columbia Road NW

Suite 175 #896645

Washington, DC 20009

T: (202) 217-4742

ellie@nipnlg.org

Counsel for Petitioner-Appellee

cc: Counsel of Record, via CM/ECF

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing letter complies with the type-volume limitations of Fed. R. App. P. 28(j) because the body contains 244 words. This letter also complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5)(A) because this letter was prepared in a proportionally spaced typeface using Word 14-point Times New Roman.

/s/ Stephanie E. Norton

Stephanie E. Norton

Counsel for Petitioner-Appellee

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2026, I filed the foregoing document using the Court's CM/ECF system, which caused all counsel of record to be served with a copy of the filing.

/s/ Stephanie E. Norton

Stephanie E. Norton

Counsel for Petitioner-Appellee