IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUAN CENTENO-MARTINEZ,	:	
	:	
Petitioner,	:	
	:	
v.	:	**CIVIL NO. 25-3593**
	:	
J.L. JAMISON, et al,	:	
	:	
Respondents.	:	

ORDER

AND NOW, this ___ day of _____, 2025, upon consideration of Respondents' Opposition to Petition for Writ of Habeas Corpus, it is ORDERED that the Petitioner's request for a bond hearing is denied. It is FURTHER ORDERED that the Petitioner's request for further relief and fees is also denied.

BY THE COURT:

_____
HONORABLE JUAN R. SÁNCHEZ
Judge, United States District Court

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RESPONDENTS' OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

Petitioner Juan Centeno-Martinez ("Petitioner") – a felon convicted of aggravated manslaughter – demands release from detention, claiming that he poses no threat to the community. ECF 1 at 2. Petitioner contends that his continued detention violates his constitutional due process rights, and he filed a habeas petition seeking an individualized bond hearing. *Id.* The Court should deny his Petition because he has not met his burden to show that his detention has become constitutionally unreasonable.

An Immigration Judge ("IJ") ordered Petitioner's removal and the Board of Immigration Appeals ("BIA") upheld this determination. *See* Decision of the BIA dated May 2, 2025, attached as Exhibit A. Petitioner then delayed his removal by filing a Petition for Review ("PFR") with the Third Circuit Court of Appeals, which ordered a stay of removal while it considers his PFR. As a threshold matter, the Court has no power to release Petitioner immediately – it may only order an immigration judge to hold a bond hearing if the Court finds further detention unreasonable. Moreover, there

is no reason for a bond hearing because Petitioner's detention is reasonable under his particular circumstances.

None of the factors courts examine to determine whether a habeas petition should be granted favor Petitioner. The length of Petitioner's detention does not result from the Government's lack of diligence and his detention conditions differ significantly from prison. The Government stands ready to remove Petitioner, but it is prevented from doing so by the Third Circuit's order staying removal while it considers his PFR. Furthermore, Petitioner is no longer detained in Philadelphia but has been transferred to a detention center in Western Pennsylvania. Accordingly, Petitioner's continued detention is reasonable under the circumstances and his Petition should be denied.

II. FACTUAL AND PROCEDURAL BACKGROUND

A. Removal Proceedings and Appeal to the Board of Immigration Appeals

ICE detained Petitioner on April 25, 2024, after he had been arrested in Hudson County, New Jersey on domestic violence and theft charges. *See* Exhibit A at page 5. On June 11, 2024, Petitioner appeared before an immigration judge ("IJ") who denied his motion to terminate proceedings because he had previously been convicted of aggravated manslaughter in 2001, a crime for which he was incarcerated for more than ten years. See DHS Evidence File, dated May 20, 2024 attached as Exhibit B at 5-6. The conviction stemmed from an incident in which Petitioner caused a victim to die during a robbery in October 1999. Id. at 5-6. The conviction fell under the definition of aggravated felony under the Immigration and Nationality Act and served as a basis for removal.

Petitioner than applied for asylum and deferral of removal under the Convention Against Torture ("CAT"). ECF 1 at 20. On October 24, 2024, an IJ denied Petitioner's request for asylum and withholding of removal under the CAT primarily because Petitioner had not shown that he had a significant possibility of being tortured if removed to El Salvador. Ex. A at 4-5. The BIA affirmed the IJ's decision on May 2, 2025. ECF 1 at 21; *see also* Ex. A at 3-5. Petitioner almost immediately filed his PFR with the Third Circuit. The Third Circuit issued a Stay of Removal on or May 9, 2025. *Id.* at 21-22.

B. Petitioner's Detention

Petitioner has been detained under 8 U.S.C. § 1226(c) since April 2024, approximately 16 months. This comprises the time during which Petitioner contested his removability before the Immigration Judge, and the time during which his subsequent appeal to the BIA had been pending. Since early May, the United States has been ordered not to remove Petitioner while his PFR is reviewed.

For most of his detention, Petitioner has been housed at the Moshannon Valley Processing Center ("Moshannon") in western Pennsylvania. For approximately five months, from late February until July 23, 2025, ICE housed Petitioner at the Federal Detention Center in Philadelphia (FDC Philadelphia). *See* DHS Form I-830, attached as Exhibit C at 1. On February 6, 2025, the Department of Justice, Bureau of Prisons (BOP) and ICE entered into an interagency agreement under which immigration detainees would be housed at certain BOP facilities across the United States, including FDC Philadelphia. On July 23, 2025, Petitioner was transferred back to Moshannon, where he currently resides. Ex. C at 2.

III. LEGAL STANDARD

The habeas petitioner has the burden to demonstrate that his custody violates the United States Constitution, laws, or treaties. *See, e.g.*, *Cullen v. Pinholster*, 563 U.S. 170, 181 (2011). Where, as here, the Supreme Court has found the statute at issue facially constitutional, *see Demore v. Kim*, 538 U.S. 510, 513-14 (2003), a petitioner must make a strong showing to demonstrate that the law is unconstitutional as applied to him, *see United States v. Five Gambling Devices*, 346 U.S. 441, 449 (1953) ("This Court does and should accord a strong presumption of constitutionality to Acts of Congress. This is not a mere polite gesture. It is a deference due to deliberate judgment by constitutional majorities of the two Houses of Congress that an Act is within their delegated power or is necessary and proper to execution of that power."); *Zenith Radio Corp. v. Matsushita Elec. Indus. Co.*, 402 F. Supp. 251, 254 (E.D. Pa. 1975) ("[D]efendants here carry a heavy burden, for a strong presumption of validity attaches to an Act of Congress.").

IV. ARGUMENT

A. Centeno-Martinez Is Not Entitled to a Bond Hearing

The Supreme Court has long recognized that the detention of noncitizens pending their removal is constitutional. *See, e.g.*, *Wong Wing v. United States*, 163 U.S. 228, 235 (1896) ("We think it clear that detention or temporary confinement, as part of the means necessary to give effect to the provisions for the exclusion or expulsion of aliens, would be valid.").[1] In *Demore*, the Supreme Court specifically rejected a facial

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[1] *See also Demore*, 538 U.S.at 523 ("this Court has recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process"); *Reno v. Flores*, 507 U.S. 292, 306 (1993) ("Congress has the authority to detain aliens suspected of entering the country illegally pending their deportation hearings.");

challenge to 8 U.S.C. § 1226(c)—the statute at issue here—which mandates detaining certain criminal noncitizens pending their removal proceedings without an opportunity for release on bond. *See* 538 U.S. at 529-31. There, the Court observed that § 1226(c) is predicated on Congress's concern that certain "deportable criminal aliens who are not detained continue to engage in crime and fail to appear for their removal hearings in large numbers"—which is why Congress mandated their categorical detention without bond. *Id.* at 513. And as the Court explained, that categorical judgment is constitutional. *Id.*; *see also Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, 473 (3d Cir. 2015) ("The Supreme Court left no doubt that the Government's authority under section 1226(c) to detain aliens without an opportunity for bond complies with the Constitution." (citing *Demore*, 538 U.S. at 531)).

That said, the Third Circuit has held that noncitizens detained under § 1226(c) can still bring as-applied challenges to obtain a bond hearing if their detention has become "unreasonable." *German Santos v. Warden Pike Country Corr. Facility*, 965 F.3d 203, 209-11 (3d Cir. 2020).[2] Such a challenge requires assessing the reasonableness of the noncitizen's detention, which is a "highly fact-specific inquiry." *German Santos*, 965 F.3d at 210 (cleaned up). There are no "bright-line threshold[s]" for when detention becomes unreasonable, nor is there "a presumption of reasonableness or unreasonableness of any duration." *Id.* at 211. Instead,

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Carlson v. Landon, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of th[e] deportation procedure.").

[2] *But see Banyee v. Garland*, 115 F.4th 928, 932-33 & n.3 (8th Cir. 2024) (disagreeing with *German Santos* and holding that a noncitizen may be detained "for as long as deportation proceedings are still '*pending*'"); *Wekesa v. U.S. Att'y*, No. 22-10260, 2022 WL 17175818 (5th Cir. Nov. 22, 2022) (similar), *cert. denied*, 143 S. Ct. 2666 (2023).

reasonableness is determined based on all relevant circumstances, including four "nonexhaustive" factors: (1) the duration of the detention; (2) whether the detention is likely to continue; (3) the reasons for any delay in the underlying removal proceedings; and (4) whether the conditions of the detention are "meaningfully different" from criminal punishment. *Id.* at 211. Here, the consideration of Petitioner's specific circumstances and *German Santos* factors show that his continued detention is not constitutionally unreasonable, and his petition should be denied.

1. Petitioner's Detention Has Not Been Unreasonably Long.

Petitioner has been detained under § 1226(c) since April 2024, —approximately 16 months. As the Third Circuit explained in *German Santos*, there is no "bright-line threshold" or "presumption of reasonableness or unreasonableness *of any duration*." 965 F.3d at 210-11 (emphasis added).

The *German Santos* analysis requires a fact-specific assessment of whether the length of detention has become unreasonable. *Id.* at 210. Petitioner has not, however, articulated any specific reason why the length of his detention has reached that point. Given the fact-specific nature of the analysis, however, courts have logically reached different conclusions about what length of detention qualifies as unreasonable. And many courts have held that detention periods similar to, or longer than Petitioner's detention are reasonable.

For example, several months ago a district court in this Circuit held that a noncitizen's detention of "approximately 18 months" under § 1226(c) did "not weigh in favor of relief." *Appiah v. Lowe*, No. 24-cv-2222, 2025 WL 510974, at *4 (M.D. Pa. Feb. 14, 2025); *see also Hernandez v. Wolf*, 2021 WL 460463 at *3-4 (D.N.J. February 5, 2021 (detention remained reasonable even after 20 months because alien presented risk

to the community). Detention of 18 months was likewise deemed reasonable in *Crooks v. Lowe*, No. 18-cv-47, 2018 WL 6649945, at *2 (M.D. Pa. Dec. 19, 2018). Similarly, multiple courts have held 15 months of detention under § 1226(c) to be reasonable. *See, e.g., Fernandez v. Lowe*, No. 17-cv-2301, 2018 WL 3584697, at *4-5 (M.D. Pa. July 26, 2018); *Coello-Udiel v. Doll*, No. 17-cv-1414, 2018 WL 2198720, at *3 (M.D. Pa. May 14, 2018). [3] And similar decisions abound involving comparable lengths of detention.[4]

Petitioner has not articulated any specific reason why the length of his detention has become unreasonable. And to the extent that court decisions provide a benchmark, they show that the length of detention still falls within the bounds of reasonableness. The Petitioner has not carried his burden of showing that his continued detention would be unreasonable under the circumstances.

2. Centeno-Martinez's Detention May End Soon.

Petitioner's continued detention will depend significantly on the actions of the Third Circuit, which has decided to review the decisions of the IJ and the BIA. Petitioner's removal order may soon become final. At that point, Petitioner's detention

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[3] *But see Tuser v. Rodriguez*, 370 F.supp.3d (D.N.J. 2019) (detention of 21 months considered unreasonable). However, in *Tuser* the Government delayed adjudication for months through requests for multiple continuances.

[4] *See, e.g., White v. Lowe*, No. 23-cv-1045, 2023 WL 6305790, at *2 (M.D. Pa. September 27, 2023) (detention of "approximately 15 months" under § 1226(c) held reasonable), *abrogated by White v. Warden Pike Cnty. Corr. Facility*, No. 23-2872, 2024 WL 4164269 (3d Cir. Sept. 12, 2024) (reversing because length of detention had reached 25 months by time of appeal); *Smith v. Garland*, 600 F. Supp. 3d 273, 278 (W.D.N.Y. 2022) (detention of "over seventeen months" under § 1226(c) held reasonable); *Espinosa-Almonte v. Sabol*, No. 12-cv-2514, 2013 WL 3894861, at *10 (M.D. Pa. July 26, 2013) (detention of 21 months under § 1226(c) was not "unduly prolonged" or "excessive" given noncitizen's multiple requests for continuances in underlying removal proceeding).

would no longer be under § 1226(c) but would instead be governed by 8 U.S.C. § 1231. Section 1231 would provide independent authority for Petitioner's continued detention, and it further specifies a timeline for Petitioner's removal and any potential release from custody.

Under § 1231(a), the Secretary of Homeland Security[5] is required to remove a noncitizen within the "removal period," which initially lasts for 90 days and begins when the removal order becomes administratively final. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527-29 (2021) (summarizing the removal process under § 1231). Ex. A at 2. The Third Circuit is currently entertaining Petitioner's PFR, which asserts that the IJ decided wrongly in favor of his removal as ineligible for asylum or withholding of removal under CAT. The Third Circuit made the decision to review and stay removal on May 9, 2025, more than three months ago. As noted, the IJ previously decided that Petitioner was removable for having been convicted of an aggravated felony offense (manslaughter) and denied his application for deferral under the CAT. *See* Ex. A at 5-6. If the Third Circuit does not grant Petitioner the relief his PFR seeks, his removal becomes final 30 days later. *See* 8 C.F.R. § 1241(c).

Petitioner's detention would then shift to § 1231, which would be authorized for as long as "reasonably necessary to bring about [his] removal from the United States"—which is "presumptively six months." *Johnson*, 594 U.S. at 529 (citing *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001)). "After that point, if the alien 'provides good reason to

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5 The statute reads "Attorney General," but Congress transferred responsibility for enforcing the Immigration and Nationality Act to the Secretary in 2002. *See Nielsen v. Preap*, 586 U.S. 392, 398 n.2 (2019) ("We replace 'Attorney General' with 'Secretary' because Congress has empowered the Secretary to enforce the Immigration and Nationality Act." (citations omitted)).

believe that there is no significant likelihood of removal in the reasonably foreseeable future,' the Government must either rebut that showing or release the alien." *Id.* (quoting *Zadvydas*, 533 U.S. at 701). And once the basis for Petitioner's detention shifts to § 1231, this habeas proceeding would become moot. *See, e.g.*, *Ufele v. Holder*, 473 F. App'x 144, 146 (3d Cir. 2012) (holding that habeas challenge to noncitizen's detention under § 1226(c) was rendered moot when "the BIA's order became administratively final and [his] detention switched from § 1226 to § 1231"); *Rodney v. Mukasey*, 340 F. App'x 761, 764-65 (3d Cir. 2009) (same).[6] If the Third Circuit denies the relief Petitioner seeks in his PFR, then the removal period under to § 1231 would commence and ICE could quickly remove Petitioner. Therefore, the likelihood of Petitioner's continued detention turns significantly on the Third Circuit's forthcoming decision. The second *German Santos* factor is thus currently unclear, but Petitioner has offered no reason to believe it will continue for a significant length of time.

3. The Reasons for Delay in Petitioner's Removal Do Not Render His Detention Unreasonable.

The Government has not intentionally delayed or unreasonably prolonged Petitioner's removal proceedings, but ICE instead has acted promptly throughout the process. ICE secured Petitioner's removal order from the IJ without delay. The Government then timely responded to Petitioner's appeal to the BIA. Ex. A. Both Petitioner's decision to file the PFR and the Third Circuit's decision to hear the appeal

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[6] *See also, e.g.*, *Maldonado-Velasquez v. Moniz*, No. 17-1918, 2018 WL 11444979, at *1 (1st Cir. Mar. 22, 2018) (same); *De La Teja v. United States*, 321 F.3d 1357, 1363 (11th Cir. 2003) (same); *Byfield v. Ashcroft*, 74 F. App'x 411 (5th Cir. 2003) (same); *Kevin A. M. v. Warden, Essex Cnty. Corr. Facility*, No. 21-cv-11212, 2021 WL 4772130, at *1 (D.N.J. Oct. 12, 2021) (same); *Alex B. K. K. v. Russo*, No. 21-cv-9187, 2021 WL 4704971, at *1 (D.N.J. Oct. 8, 2021) (same); *Bah v. Doll*, No. 20-cv-1374, 2020 WL 7241327, at *2 (M.D. Pa. Dec. 9, 2020) (same).

and stay removal cannot be attributed to the Government as delay. Delays are often inevitable in immigration proceedings—which is why, "[a]bsent carelessness or bad faith," courts generally do not hold them against the parties. *German Santos*, 965 F.3d at 212. Any delay since the BIA's denial of Petitioner's appeal cannot be fairly attributed to the government, even if the circuit court's timeline is beyond Petitioner's control as well. Therefore, the third *German Santos* factor also favors the Government and does not support the conclusion that continuing Petitioner's detention is unreasonable.

4. The Conditions of Petitioner's Confinement Are Materially Different from Criminal Punishment

Petitioner's confinement at the FDC-Philadelphia ended over one month ago. Therefore, the conditions of his confinement there are no longer at issue and need not be considered. But this factor would favor the Government as the conditions at FDC Philadelphia for detainees is materially different from those undergoing criminal punishment.

Since Petitioner was transferred back to Moshannon Valley Processing Center, his complaints about the Philadelphia FDC are now moot. *See Ibarra-Villalva v. USP-Allenwood*, 213 F.App'x 132, 134 (3d Cir.2007) (challenges to alleged conditions of confinement were moot because prisoner was transferred to another institution); *Sutton v. Bradley*, 2007 WL 4570781, *1 (M.D. Pa. Dec. 26, 2007).

"Loss of freedom of choice and privacy are inherent incidents of confinement." *Bell v. Wolfish*, 441 U.S. 520, 537 (1979). But "the fact that . . . detention interferes with [a] detainee's understandable desire to live as comfortably as possible and with as little restraint as possible during confinement does not convert the conditions or restrictions of detention into 'punishment.'" *Id.* While Petitioner's detention necessarily restricts his

freedom, the conditions of his confinement were and are materially different from those associated with criminal punishment.[7]

5. No Other Circumstances Render Petitioner's Detention Unreasonable

Petitioner's detention involves no other circumstances that render his detention unreasonable. Petitioner does not raise unaddressed health problems in the Petition.

The record establishes that Petitioner's detention under § 1226(c) remains reasonable. Therefore, Petitioner is not entitled to a bond hearing at this time and his habeas Petition should be denied.

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[7] *But see Grigoryan v. Jamison*, 2025 WL 125793 at *3-4 (E.D.Pa. April 30, 3025) (Judge Pappert) (ordering a bond hearing for alien detained 17 months with significant medical complaints).

CONCLUSION

The record establishes that Petitioner's detention remains reasonable. Therefore, he is not entitled to a bond hearing at this time. Petitioner's Habeas Petition should thus be denied.

Respectfully submitted,

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Dated: August 27, 2025

CERTIFICATE OF SERVICE

I certify that on this date, I caused a copy of the foregoing Respondent's Opposition to Petition for Writ Of Habeas Corpus to be filed with the Clerk of Court via the electronic court filing (ECF) and is available for viewing and downloading on the ECF system. It was also delivered to:

Robert Jackel, Esq.
Legal Services of New Jersey
100 Metroplex Drive, Suite 101
Ediso, New Jersey 08817

Dated: August 27, 2025

/s/ Colin M. Cherico
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