

Paul B. Grotas, Esq.  
Luiza Logan, Esq.

**THE GROTTAS FIRM, P.C.**  
Attorneys at Law  
499 Seventh Avenue Suite 23N  
New York, NY 10018

Phone: 917-436-4444  
Fax: 888-505-1513  
Reception@grotaslaw.com  
www.grotaslaw.com

---

January 14, 2026

**Sent Via ECF Only**

Hon. Esther Salas  
U.S. District Court for the District of New Jersey  
Martin Luther King Building  
& U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102

**Re: *Lojano Naula v. Noem et al.*, 2:25-Cv-16700-ES  
Reply to Respondent's Response to Motion for a Temporary Restraining Order**

Dear Judge Salas,

Please note that my office represents the Petitioner in the above referenced matter. Petitioner's counsel is writing this letter to reply to the Respondent's response to Petitioner's motion for a temporary restraining order. *See* ECF No. 13. In this Motion, Petitioner's counsel alleged that DHS administrative record instituted removal proceedings pursuant 8 U.S.C. § 1226 *See* ECF No. 9 Exhibit 4, DHS released the Petitioner pursuant to 8 U.S.C. § 1226 *See* ECF No. 9 Exhibit 1, and DHS re-detained the Petitioner pursuant to 8 U.S.C. § 1226 *See* ECF No. 9 Exhibit 3. This claim was not alleged in the underlying Petition. *See* ECF No. 1. In response, Opposing Counsel failed to address these facts and cites *Farqirzada v. Rokosky*, No. 25-16639 (MAS), 2026 WL 63614 (D.N.J. Jan. 8, 2026) for the proposition that if an immigrant is placed in expedited removal, paroled by DHS and then re-detained by DHS they are still subject to mandatory detention.

Here, the determinative facts are different from *Farqirzada v. Rokosky*, No. 25-16639 (MAS), 2026 WL 63614 (D.N.J. Jan. 8, 2026). Here, DHS's administrative record details that the Petitioner was released pursuant to 8 U.S.C. § 1226 *See* ECF No. 9 Exhibit 1, and was re-detained pursuant to 8 U.S.C. § 1226 *See* ECF No. 9 Exhibit 3 and was in removal proceedings pursuant to 8 U.S.C. § 1226 *See* ECF No. 9 Exhibit 4. Petitioner posted bond

pursuant to the Notice of Custody Determination which specifically details that he was released pursuant to INA 236. The NTA issued on October 20, 2025, states that Petitioner is “an alien present in the United States who has not been admitted or paroled.” *See* ECF No. 9 Exhibit 4. However DHS, in their response to the Habeas petition, stated that “On May 13, 2014, ICE paroled Petitioner into the country under its discretionary authority under INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A).” *See* ECF No.11. It is surprising that DHS is alleging the Petitioner was paroled when the administrative record conflicts with this allegation. Petitioner’s counsel is attaching a “parole document” from a different case to display what is missing in the instant matter. Exhibit 1. If the Petitioner was issued this document upon his release then DHS’s argument would be correct.

In *Vargas Lopez*, the court noted that “one express requirement to fall within [8 U.S.C.] § 1226(a)—and a critical one here—is that the alien was arrested on a warrant issued by the Attorney General.” *Vargas Lopez v. Trump*. No. 8:25-CV-00526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025). Here, the I-213 issued by the Respondent, clearly states that the Petitioner was arrested pursuant to a Warrant of Arrest. *See* ECF No. 9 Exhibit 3.

Instead of explaining the factual inconsistency between their argument and their administrative record, Opposing counsel cites a recent decision where the Petitioner *was* paroled. This decision is inapplicable to the instant matter because this Petitioner was *not* paroled. DHS is bound by their administrative record and should not be allowed to “switch tracks” to Section 1225(b)(1). *Moreno Madrid v. Brian Acuna et al.*, No. 25-cv-01572, (W.D. La. Dec. 12, 2025)

The most appropriate remedy in a case like this, where the Petitioner was previously released to the community without bond, is released on recognizance without the use of alternatives to detention or other conditions. *See Munoz Materano v. Arteta*, 2025 WL 2630826, at \*20 (S.D.N.Y. Sept. 12, 2025) (ordering immediate release); *Chipantiza-Sisalema v. Francis*, 2025 WL 1927931, at \*4 (S.D.N.Y. July 13, 2025) (same); *Rueda Torres v. Francis*, No 25 CIV. 8408, 2025 WL 3168759, at \*6 (S.D.N.Y. Nov. 13, 2025) (same); *Qasemi v. Francis*, No. 25-cv-10029, 2025 WL 3654098 (Dec. 17, 2025) (same); *Mata Velasquez v. Kurzdorfer*, --- F. Supp. 3d ---, No. 25-cv-493 (LJV), 2025 WL 1953796 (W.D.N.Y. July 16, 2025) (ordering release and that petitioner could not be re-detained without a pre-deprivation hearing). Release is the only appropriate remedy for the constitutional violations in this case, including the lack of pre-deprivation notice and an opportunity to be heard before being re-arrested, which cannot be remedied by a post-deprivation hearing.

The only appropriate remedy is immediate release of the Petitioner. *See, e.g., J.U. v. Maldonado*, No. 25-cv-4836, 2025 WL 2772765, at \*10 (E.D.N.Y. Sept. 29, 2025) (“Respondent's ongoing detention of Petitioner with no process at all, much less prior notice, no showing of changed circumstances, or an opportunity to respond, violates his due process rights. Given the deprivation of Petitioner's liberty, formerly granted and approved by Respondent, the

absence of any deliberative process prior to or contemporaneous with the deprivation, and the statutory and constitutional rights implicated, a writ of habeas corpus is the only form of relief and the most appropriate remedy.”)

The habeas remedy itself is ineffective when a petitioner is unconstitutionally detained—be that for a moment, a day, a month or longer. As a result, the Court should order Petitioner’s immediate release. *See J.U.*, --- F.Supp.3d ---, 2025 WL 2772765, at \*10 (ordering immediate release as remedy to due process violation); *Crespo Tacuri*, 2026 WL 35569, at \*7-8 (same); *Ulloa Montoya*, 2025 WL 3718694, at \*6 (same); *Padilla Molina*, 2025 WL 3718728, at \*6 (same); *Rodriguez-Acurio*, --- F. Supp. 3d ---, 2025 WL 3314420, at \*32 (same); *Artiga*, 2025 WL 2829434, at \*9 (same); *Hyppolite*, 2025 WL 2829511, at \*16 (same).

Sincerely,

*/s/ Paul Grotas*

Paul B. Grotas, Esq