



U.S. Department of Justice

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Via ECF

Honorable Julien Xavier Neals
Martin Luther King Jr. United States Courthouse
50 Walnut Street
Newark, New Jersey 07102

**Re: *Ruiz Perez v. Almodovar*, No. 25-16871
Answer to § 2241 Petition**

Dear Judge Neals:

This Office represents Respondents in the above habeas matter filed by a noncitizen challenging the legality of his detention by U.S. Immigration and Customs Enforcement (“ICE”) pursuant to 8 U.S.C. § 1225(b)(2). We respectfully submit this letter response in light of the Court’s recent decisions concerning § 1225(b)(2).¹ Moreover, this Office has submitted briefing on the § 1225(b)(2) issue to Your Honor in *Fuentes Velasquez v. Noem*, No. 25-16797 (JXN), ECF 5, Resps.’ Ans. (D.N.J. Nov. 12, 2025). Respondents’ legal position on the § 1225(b)(2) issue in this matter is identical to their position in the earlier-filed *Fuentes Velasquez* matter. Respondents accordingly incorporate it by reference.

Petitioner is a noncitizen in immigration detention. Although Petitioner does not include his immigration history in the Petition, ICE has informed this Office of the following material facts to which we stipulate. Petitioner is a native and citizen of Honduras. ICE has charged Petitioner with entering the United States without possessing valid immigration documents under 8 U.S.C. § 1182(a)(7). ICE arrested Petitioner on October 22, 2025. Pet. ¶ 13(a), ECF No. 7. Petitioner is in ICE detention

¹ See, e.g., *Ayala Amaya v. Bondi*, No. 25-16427 (ESK), 2025 WL 3033880 (D.N.J. Oct. 30, 2025); *Smit Patel v. Almodovar*, No. 25-15345 (SDW), 2025 WL 3012323 (D.N.J. Oct. 28, 2025); *Lomeu v. Lyons*, No. 25-16589 (EP), 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Contreras Maldonado v. Cabezas*, No. 25-13004 (JKS), 2025 WL 2985256, at *2 (D.N.J. Oct. 23, 2025); *Soto v. Soto*, No. 25-16200 (CPO), 2025 WL 2976572 (D.N.J. Oct. 22, 2025); *Castillo v. Lyons*, No. 25-16219 (MEF), 2025 WL 2940990 (D.N.J. Oct. 10, 2025); *Rivera Zumba v. Bondi*, No. 25-14626 (KSH), 2025 WL 2753496 (D.N.J. Sept. 26, 2025).

without bond pursuant to the U.S. Department of Homeland Security’s interpretation of “applicants for admission” under § 1225(b)(2) and the Board of Immigration Appeals’ (“BIA”) recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Petitioner argues his detention without bond under § 1225(b)(2) is unlawful, and he seeks either immediate release or a bond hearing. Pet ¶ 15.

Respondents contend, as they have in all other cases involving § 1225(b)(2) detention in this District, that the Petitioner’s detention is governed by § 1225(b)(2) because he is an alien who entered without inspection or parole and was initially detained by immigration authorities in the interior of the country without having been lawfully admitted. Accordingly, Petitioner is an “applicant for admission,” who is not entitled to a bond hearing. *See Fuentes Velasquez v. Noem*, No. 25-16797 (JXN), ECF 5, Resps.’ Ans. (D.N.J. Nov. 12, 2025). Respondents further contend that the only remedy, if the Court finds § 1225 does not apply, is a bond hearing under § 1226(a) not immediate release. *See id.*

Respondents acknowledge that their answer to this Petition relies on the same statutory arguments made in all prior § 1225(b)(2) cases in this District and reiterated to Your Honor in *Fuentes Velasquez*. And this Petition asserts the same relevant facts as in those petitions. Respondents submit this expedited answer given the similar issues, the importance of efficient resolution of this habeas petition, and the preservation of the Court’s and the parties’ resources.²

We thank the Court for its attention to this matter.

Respectfully submitted,

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Deputy Attorney General
Associate Deputy Attorney General
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² In recent matters, the Court has summarily adjudicated § 1225(b)(2) habeas matters without requiring a formal answer because Respondents stipulated to material facts and legal issues. *See Ortega Alvarez v. Bondi*, No. 25-17401 (MEF), ECF 4 (D.N.J. Nov. 14, 2025) (ordering relief without answer); *Moreira Da Silva v. LaForge*, No. 25-17095 (EP), ECF 6 (D.N.J. Nov. 13, 2025) (ordering bond hearing without answer); *Vicens-Marquez v. Soto*, No. 25-16906 (KSH), ECF 15 (same).

By: *s/Alex Silagi*
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cc: Counsel of record (ECF)