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BY ECF

Hon. Claire C. Cecchi, U.S.D.J.
U.S. District Court for the District of New Jersey
50 Walnut Street
Newark, NJ 07102

**Re: *Romero Martinez v. Bondi*, No. 25-16915
Answer to § 2241 Petition**

Dear Judge Cecchi:

This Office represents Respondents in this habeas matter filed by a noncitizen challenging the legality of his detention by U.S. Immigration and Customs Enforcement (“ICE”) under 8 U.S.C. § 1225(b)(2). We respectfully submit this letter response in light of the Court’s recent decision in *Rivera Zumba v. Bondi*, No. 25-14626 (KSH), 2025 WL 2753496 (D.N.J. Sept. 26, 2025) (finding detention under § 1225(b)(2) unlawful as applied to specific noncitizen).¹ Moreover, this Office has submitted briefing on the § 1225(b)(2) issue to Your Honor in *Vasquez-Salazar v. Bondi*, No. 25-17195 (CCC), ECF No. 4, Resps.’ Ans. (D.N.J. Nov. 14, 2025), which is currently pending. Respondents’ legal position in this matter regarding § 1225(b)(2) is identical to their position in the earlier-filed *Vasquez-Salazar* matter. Respondents accordingly incorporate it by reference.

Here, Respondents stipulate to the following facts asserted in the Petition. Petitioner is a native of Ecuador. Pet. ¶ 4. He entered the United States in February 1997 without inspection. *Id.* ¶ 25. On October 24, 2025, ICE officers arrested Petitioner at a store in New York. *Id.* ¶ 27. ICE has detained Petitioner since October

¹ See also, 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).

24, 2025. *Id.* Petitioner is in ICE detention without bond pursuant to ICE’s interpretation of “applicants for admission” under § 1225(b)(2) and the Board of Immigration Appeals’ (“BIA”) recent decision *Matter of Yajure Hurtado*, 29 I&N Dec. 215 (BIA 2025). *Id.* ¶¶ 3, 27. Petitioner argues his detention without bond under § 1225(b)(2) is unlawful and he seeks either immediate release or a bond hearing under § 1226(a). *Id.*, Prayer for Relief ¶¶ 5, 7. Petitioner was detained in New Jersey when he filed the Petition. *Id.* ¶ 3.

Here, Respondents contend, as they did in *Rivera Zumba* and 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 detained by immigration authorities in the interior of the country without having been lawfully admitted. As such, he is an “applicant for admission” who is not entitled to a bond hearing. *See Vasquez-Salazar v. Bondi*, No. 25-17195 (CCC), ECF No. 4, Resps.’ Ans. (D.N.J. Nov. 14, 2025). ICE also contends that the only remedy, if the Court finds § 1225 does not apply, is a bond hearing under § 1226(a) not immediate release. *See id.*

In *Rivera Zumba*, the Court ruled that the detention was improper under § 1225(b)(2) and ordered immediate release. The Court sided with the many courts around the country that have concluded that § 1225(b)(2) applied exclusively to encounters at the border, while 1226(a) applies to aliens, like Petitioner, who were already present in the country, albeit unlawfully, at the time of their encounter with immigration authorities. After *Rivera Zumba*, most Courts in this District have ordered a bond hearing under § 1226(a) rather than immediate release. *See, e.g., Vicens-Marquez v. Soto*, No. 25-16906 (KSH), ECF No. 15 (D.N.J.).

Here, Respondents acknowledge that their answer to this Petition relies on the same statutory arguments made in *Rivera Zumba* and reiterated to Your Honor in *Vasquez-Salazar v. Bondi*, No. 25-17195 (CCC), ECF No. 4, Resps.’ Ans. (D.N.J. Nov. 14, 2025), and this Petition asserts the same relevant facts as in those petitions. Given the similar issues, the importance of efficient resolution of this habeas petition, and the preservation of the Court’s and the parties’ resources, Respondents incorporate by reference their position in *Vasquez-Salazar v. Bondi*, No. 25-17195 (CCC), ECF No. 4, Resps.’ Ans. (D.N.J. Nov. 14, 2025).²

We thank the Court for its attention to this matter.

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 No. 4 (D.N.J. Nov. 14, 2025) (ordering relief without answer); *Moreira Da Silva v. LaForge*, No. 25-17095 (EP), ECF No. 6 (D.N.J. Nov. 13, 2025) (ordering bond hearing without answer); *Vicens-Marquez v. Soto*, No. 25-16906 (KSH), ECF No. 15 (same).

Respectfully submitted,

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