



**U.S. Department of Justice**

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November 18, 2025

**Via ECF**

Honorable Esther Salas  
United States District Judge  
Martin Luther King Jr. United States Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

**Re: *Diaz Rudecindo v. Florentino, et al.*, Civil No. 25-16942 (ES)  
Answer to § 2241 Petition**

Dear Judge Salas:

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 answer 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).<sup>1</sup> Moreover, this Office has submitted briefing on the § 1225(b)(2) issue to Your Honor in *Corea Sanchez v. Bondi*, No. 25-16113 (ES), ECF 5, Respondents’ Answer (D.N.J. Oct. 23, 2025), which is currently pending. Respondents’ legal position regarding Petitioner’s custody under § 1225(b)(2) is identical to their answer in the earlier-filed *Corea Sanchez* matter. Respondents accordingly incorporate that answer by reference.

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<sup>1</sup> 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).

Here, Petitioner is a native of the Dominican Republic. Pet. ¶ 53. U.S. Border Patrol officers encountered him on November 26, 2022, near Yuma, Arizona, determined that he had unlawfully entered the United States, and released him with instructions to report to the nearest ICE office for further processing. *See id.* ¶ 54; Ex. A (I-213) at 2; Ex. B, Notice to Appear at 1. On October 24, 2025, ICE officers took Petitioner into custody when he appeared for an immigration check-in in New York. Pet. ¶¶ 56-57; I-213 at 2. ICE has detained Petitioner since October 24, 2025. Pet. ¶ 30. Petitioner is in ICE detention without bond pursuant to § 1225(b)(2) and the Board of Immigration Appeals' recent decisions in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) and *Matter of Q. Li.*, 29 I&N Dec. 66 (BIA 2025). *Id.* ¶¶ 16, 48; Notice to Appear at 1. 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). Pet. ¶ 19; Prayer for Relief ¶ D. Petitioner was detained in New Jersey when he filed the Petition. *Id.* ¶ 30.

ICE respectfully contends, as it did in *Corea Sanchez* and similar cases involving § 1225(b)(2) detention in this District, that the Petitioner's detention is governed by § 1225(b)(2) because he is an applicant for admission and not entitled to a bond hearing. *See Lomeu v. Lyons*, No. 25-16589 (EP), ECF 7, Respondents' Br. at 9-18 (citing *Matter of Yajure Hurtado*); *Matter of Q. Li.*, 29 I&N Dec. 66, 68 (an alien who attempts to enter the country illegally is treated as an applicant for admission). 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 of Petitioner. *See, e.g., Valeriano v. Bondi*, No. 25-16100 (MAS), ECF 4 (D.N.J. Oct. 1, 2025), at 2 ("As Petitioner acknowledges, even under his reading of the relevant immigration statutes, he is still subject to detention under 8 U.S.C. § 1226(a), albeit with an entitlement to seek bond from an immigration judge. Should Petitioner prevail in this matter, the proper relief would constitute an order directing the Government to provide Petitioner with the bond hearing to which he contends he is entitled under § 1226(a).").

Here, Respondents rely on the same statutory arguments Respondents made in *Corea Sanchez*. Given the similar issues, the importance of efficient resolution of the Petition, and the preservation of the Court's and the parties' resources, Respondents incorporate by reference their position in *Corea Sanchez v. Bondi*, No. 25-16113 (ES), ECF 5, Respondents' Answer (D.N.J. Oct. 23, 2025).<sup>2</sup> For the reasons

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<sup>2</sup> 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).

stated in Respondents' briefing in *Corea Sanchez* and here, the Court should dismiss the Petition.

We thank the Court for its consideration of this matter.

Respectfully submitted,

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