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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DIPESHKUMAR RAMESHCHANDRA PATEL, *Petitioner*, v. JOHN TSOUKARIS, *et al.*, *Respondents*.	HON. MICHAEL E. FARBIARZ, U.S.D.J. Civil Action No. 25-16951 (MEF)

ANSWER TO VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

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PRELIMINARY STATEMENT

On August 19, 2025, U.S. Immigration and Customs Enforcement ("ICE") detained Petitioner under 8 U.S.C. § 1225(b)(2), which requires detention of "applicants for admission" pending their removal proceedings. Petitioner brings this habeas action under 28 U.S.C. § 2241, alleging that his detention violates the Immigration and Nationality Act ("INA"), the *Accardi* Doctrine, and the Due Process Clause. This Court issued a Text Order directing Respondents to respond to the habeas petition and directly address the Court's prior decision in *Castillo v. Lyons*, No. 25-16219 (MEF), 2025 WL 2940990 (D.N.J. Oct. 10, 2025) ("[A]s a matter of plain-text reading, it is § 1226(a) that applies to people situated like the Petitioner, not § 1225(b)(2)(A). That means the Petitioner's current detention under § 1225(b)(2)(A) amounts to detention in violation of the laws of the United States, and he is therefore entitled to habeas relief."). ECF 2.

Respondents' legal argument here is essentially the same as it was in *Castillo*. So too are the facts—i.e., both involve petitioners who ICE detained under § 1225(b)(2) years after they entered the United States. Respondents, however, respectfully assert that ICE's detention of Petitioner is lawful while acknowledging this Court's decision in *Castillo* and the many other district courts who have held the same. *See, e.g.*, *Rivera Zumba v. Bondi*, No. 25-14626 (KSH), 2025 WL 2753496 (D.N.J. Sept. 26, 2025). The Board of Immigration Appeals ("BIA"), the highest administrative body that interprets immigration law in the immigration courts, has held that § 1225(b)(2) does apply to aliens like the Petitioner. ICE and the

immigration judges accordingly must follow that decision in litigation relating to an alien's detention in immigration court. *See* ECF 1-5, Sept. 11, 2025 IJ Order ("Respondent is an applicant for admission as he entered without inspection and therefore ineligible for bond redetermination under *Matter of Hurtado*."). ICE continues to respectfully assert that position before this Court in the absence of precedential authority to the contrary from the Third Circuit.

BACKGROUND

I. Relevant Legal Background

A. Detention of "Applicants for Admission" (8 U.S.C. § 1225(b))

"The power to admit or exclude [non-citizens] is a sovereign prerogative." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139 (2020) (alteration omitted) (quoting *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)). And "the Constitution gives 'the political department of the government' plenary authority to decide which [non-citizens] to admit." *Id.* (emphasis added) (quoting *Nishimura Ekiu v. United States*, 142 U.S. 651, 659 (1892)). "[A] concomitant of that power is the power to set the procedures to be followed in determining whether a[] [non-citizen] should be admitted." *Id.*; *see Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018) ("To implement its immigration policy, the Government must be able to decide (1) who may enter the country and (2) who may stay here after entering.").

Section 1225 governs the detention of "applicants for admission," who are defined as "alien[s] present in the United States who [have] not been admitted" or "who arrive[] in the United States." 8 U.S.C. § 1225(a)(1). Applicants for admission

"fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Section 1225(b)(1) applies to arriving aliens and "certain other" aliens "initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation." *Id.*; 8 U.S.C. § 1225(b)(1)(A)(i), (iii). These aliens are generally subject to expedited removal proceedings, unless they indicate an intention to apply for asylum or other forms of relief. *See* 8 U.S.C. § 1225(b)(1)(A)(i), (ii). If the alien does not indicate an intent to apply for asylum, does not express a fear of prosecution, or does not "have such a fear" after inquiry by an officer, he is detained until removed. *Id.* § 1225(b)(1)(A)(i), (B)(ii), (B)(iii)(IV).

Section 1225(b)(2)—which Respondents contend applies to Petitioner here—is "broader" and "serves as a catchall provision." *Jennings*, 583 U.S. at 287. It "applies to all applicants for admission not covered by § 1225(b)(1)." *Id.* Under § 1225(b)(2), an alien "who is an applicant for admission" shall be detained for a removal proceeding "if the examining immigration officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A); *Matter of Yajure Hurtado,* 29 I. & N. Dec. 216, 220 (BIA 2025) ("[A]liens who are present in the United States without admission are applicants for admission as defined under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and must be detained for the duration of their removal proceedings.").

The Department of Homeland Security ("DHS") has the sole discretionary authority to temporarily release on parole "any alien applying for admission to the

United States" on a "case-by-case basis for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A); *see Biden v. Texas*, 597 U.S. 785, 806 (2022). But "such parole . . . shall not be regarded as an admission," and upon its termination, the alien's "case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States." 8 U.S.C. § 1182(d)(5)(A).

B. Detention under 8 U.S.C. § 1226(a)

Section 1226 provides for arrest and detention on a warrant "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). Under § 1226(a), immigration officials may detain an alien during his removal proceedings, release him on bond, or release him on conditional parole.[1] By regulation, immigration officers can release an alien if the alien demonstrates that he "would not pose a danger to property or persons" and "is likely to appear for any future proceeding." 8 C.F.R. § 236.1(c)(8). An alien can also request a custody redetermination (i.e., a bond hearing) by an immigration judge ("IJ") at any time before a final order of removal is issued. *See* 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1), 1003.19.

[1] Being "conditionally paroled under the authority of § 1226(a)" is distinct from being "paroled into the United States under the authority of § 1182(d)(5)(A)." *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1116 (9th Cir. 2007) (holding that because release on "conditional parole" under § 1226(a) is not a parole, the alien was not eligible for adjustment of status under § 1255(a)); *Matter of Cabrera-Fernandez*, 28 I. & N. Dec. 747, 749 (BIA 2023).

At a custody redetermination, the IJ may continue detention, release the alien on bond, or release the alien on conditional parole. 8 U.S.C. § 1226(a); 8 C.F.R. § 1236.1(d)(1). IJs have broad discretion in deciding whether to release an alien on bond. *Matter of Guerra*, 24 I. & N. Dec. 37, 39–40 (BIA 2006) (listing nine factors for IJs to consider). But, regardless of the factors IJs consider, an alien "who presents a danger to persons or property should not be released during the pendency of removal proceedings." *Id.* at 38.

II. Petitioner's Immigration History

Petitioner is a citizen of India who entered the United States at an unknown time and at an unknown place without being admitted or paroled by an immigration officer. ECF 1-4 (Notice to Appear) at 1.[2] On August 19, 2025, ICE took Petitioner into immigration custody and served him with a Notice to Appear charging him with removability under 8 U.S.C. § 1182(a)(6)(A)(i) for being an alien without being admitted or paroled and under 8 U.S.C. § 1182(a)(7)(A)(i)(I) for being an immigrant without valid documents. Notice to Appear at 2, 4. Petitioner is scheduled to appear for a merits hearing on his application for relief from removal before an IJ on December 15, 2025. Ex. A (Notice of Internet-Based Hearing) at 1.

Petitioner was detained at the Delaney Hall Detention Facility in Newark, New Jersey, when this action was filed. Petition, Verification. On September 11,

[2] Respondents attach Petitioner's relevant immigration records as exhibits to this Answer under Federal Rule of Civil Procedure 10(c), which is incorporated by Rule 12 of the Rules Governing Section 2254 Cases in the United States District Courts (which is applicable to this § 2241 petition through Rule 1(b)).

2025, an IJ held a custody redetermination hearing and issued an order denying bond, finding Petitioner ineligible pursuant to *Matter of Yajure Hurtado*. Sept. 11, 2025 IJ Order at 1.

III. Procedural History

Petitioner filed the habeas petition on October 27, 2025, asserting that ICE unlawfully detained him without a bond hearing in violation of the INA, *Accardi* Doctrine, and the Due Process Clause. ECF 1 (Petition) ¶¶ 22-47. Petitioner seeks release from custody or a bond hearing under § 1226(a). *Id.*, Prayer for Relief.

STANDARD OF REVIEW

28 U.S.C. § 2241(c)(3) authorizes a court to grant a writ of habeas corpus where a prisoner "is in custody in violation of the Constitution or laws or treaties of the United States." Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, which is applicable to § 2241 petitions through Rule 1(b), provides this Court with the authority to dismiss a habeas petition if it "plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief." *See Moncrieffe v. Yost*, 367 F. App'x 286, 288 n.2 (3d Cir. 2010) (noting summary dismissal of a § 2241 habeas petition is appropriate pursuant to Rule 4 of the Rules Governing Section 2254 Cases). "Federal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face." *McFarland v. Scott*, 512 U.S. 849, 856 (1994) (citing 28 U.S.C. § 2254, Rule 4).

ARGUMENT
THE COURT SHOULD DISMISS THE HABEAS PETITION

I. Petitioner is an "Applicant for Admission" Subject to Mandatory Detention Under § 1225(b)(2).

Section 1225(b)(2) provides that "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained." Petitioner's detention is lawful under the plain text of § 1225(b)(2).

On August 19, 2025, an immigration officer determined that Petitioner is unlawfully present without admission or parole and arrested Petitioner. Ex. B (Form I-213, Record of Deportable/Inadmissible Alien) at 2. Accordingly, Petitioner is an "applicant for admission" as defined by 8 U.S.C. § 1225(a), and his detention is mandatory. *See, e.g.*, *Pipa-Aquise v. Bondi*, No. 25-1094, 2025 WL 2490657, at *1 (E.D. Va. Aug. 5, 2025) (holding that alien paroled in August 2021 and re-detained in May 2025 was an "applicant for admission" subject to mandatory detention under § 1225(b)); *Pena v. Hyde*, No. 25-11983, 2025 WL 2108913, at *2 (D. Mass. July 28, 2025) (upholding mandatory detention under § 1225(b)(2) of alien who "is present in the country but has not yet been lawfully granted admission"). The BIA, the highest-level administrative body for interpreting immigration law, recently adopted this understanding of § 1225(b)(2) in a decision that binds all IJs and is persuasive authority here. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216; *see also Matter of Q. Li*, 29 I&N Dec. 66 (2025).

By its plain text, § 1225(b) requires ICE to detain two types of "applicants for admission"—those who have "arrived in the United States" and those "who ha[ve] not been admitted." 8 U.S.C. § 1225(a)(1). "[A]rrive[d] in the United States" means the alien has just entered the country—such as at the airport or at the U.S. border—or did so very recently. *See Thuraissigiam*, 591 U.S. at 139. Aliens "have not been admitted" if no immigration officer inspected them or authorized them to be here. *See* 8 U.S.C. § 1101(a)(13)(A) (defining "admission"). That latter category is broader and includes Petitioner because he is present in the United States without admission or parole. Accordingly, he is subject to § 1225(b)(2). *See Jennings*, 583 U.S. at 287 (noting § 1225(b)(2) is a "broader," "catchall provision" that "applies to all applicants for admission not covered by § 1225(b)(1)").[3]

[3] Even though § 1225(b) requires the detention of both types of applicants for admission, immigration officials did not always interpret it that way. Specifically, DHS's predecessor agency, the U.S. Immigration and Naturalization Service ("INS"), read § 1225(b) to apply only to those who have arrived in the United States. That is, while INS detained arriving aliens, INS chose whether to detain aliens who have not been admitted. *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312-01, 10323, 1997 WL 93131, *10323 (Mar. 6, 1997) ("Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination."). Aliens who were present without admission were detained under the discretionary rules of 8 U.S.C. § 1226(a). *See id.*

As of July 8, 2025, however, ICE has taken the position all applicants for admission, including those who are present without admission, are subject to mandatory detention under § 1225(b)(2). ICE takes this position because it accords with the plain language of the statute and is consistent with recent caselaw from the BIA, the highest-level administrative body for interpreting immigration law. *See Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025); *see also Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025); *Matter of M-S-*, 27 I & N Dec. 509 (A.G. 2019).

Petitioner argues that he is not subject to § 1225(b)(2)(A) detention because "he is not an arriving alien seeking admission, despite his long-ago entry into the United States without inspection." Petition ¶ 26. But the BIA does not interpret the phrase "seeking admission" that way:

> Congress has defined the concept of an 'applicant for admission' in an unconventional sense, to include not just those who are expressly seeking permission to enter, but also those who are present in this country without having formally requested or received such permission . . . In other words, many people who are not actually requesting permission to enter the United States in the ordinary sense are nevertheless deemed to be "seeking admission" under the immigration laws.

Matter of Lemus, 25 I. & N. 734, 743 (BIA 2012). Thus, the phrase "seeking admission" in § 1225(b)(2)(A) should be read to include an "applicant for admission." Put differently, all "applicants for admission" are, by definition, "seeking admission." That is why, in § 1225(a)(3), Congress stated that immigration officers must inspect all aliens "who are applicants for admission *or otherwise* seeking admission." 8 U.S.C. § 1225(a)(3) (emphasis added).

That is not to say the words "seeking admission" and "applicant for admission" are identical. The former is broader than the latter. For example, the INA contemplates that "stowaways" may seek admission by requesting asylum, yet stowaways are excluded from the definition of "applicant of admission." 8 U.S.C. § 1225(a)(2). In addition, an applicant for admission must be physically in the United States; an alien can "seek admission" in the United States or outside of it, such as in an embassy before a consular officer. *See Romero v. Hyde*, No. 25-11631, 2025 WL

2403827, at *9 (D. Mass. Aug. 19, 2025) (although ruling against ICE, noting that the terms have slightly different breadth).

Those phrases play out in a commonsense way in § 1225(b)(2). The statute begins with a limiting or qualifying clause (i.e., it says the subsection applies only to "any applicant for admission," which means only to those who are physically present). This limiting clause avoids the conclusion that the subsection would apply to those abroad, as in an embassy. Having made clear that § 1225(b)(2) applies only to those present here, the second clause says that detention is mandatory if the immigration officer determines the "alien seeking admission" is not entitled to it. *See Adamowicz v. I.R.S.*, 552 F. Supp. 2d 355, 367–68 (S.D.N.Y. 2008) ("'[A] limiting clause or phrase ... should ordinarily be read as modifying only the noun or phrase that it immediately follows.' This approach is successful not merely as a matter of grammar, but also as a matter of internal logic: the set of information defined in the first clause is specific and in no need of further restriction, whereas the set of information defined in the second clause more appropriately lends itself to such restriction."). Accordingly, because Petitioner is an applicant for admission in that he is present without being admitted, § 1225(b)(2) governs his detention.

When the plain text of a statute is clear, "that meaning is controlling," and courts "need not examine legislative history." *Washington v. Chimei Innolux Corp.*, 659 F.3d 842, 848 (9th Cir. 2011). But to the extent legislative history is relevant here, nothing "refutes the plain language" of § 1225. *Suzlon Energy Ltd. v. Microsoft Corp.*, 671 F.3d 726, 730 (9th Cir. 2011). Congress passed the Illegal Immigration

Reform and Immigrant Responsibility Act to correct "an anomaly whereby immigrants who were attempting to lawfully enter the United States were in a worse position than persons who had crossed the border unlawfully." *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc). It "intended to replace certain aspects of the [then] current 'entry doctrine,' under which illegal aliens who have entered the United States without inspection gain equities and privileges in immigration proceedings that are not available to aliens who present themselves for inspection at a port of entry." *Id.* (quoting H.R. Rep. 104-469, pt. 1, at 225). Respondents' reading of § 1225(b)(2) makes sense because it would not put aliens who "crossed the border unlawfully" in a better position than those "who present themselves for inspection at a port of entry." *Id.* Otherwise, aliens who presented at a port of entry would be subject to mandatory detention under § 1225, but those who crossed illegally would be eligible for a bond under § 1226(a). *See generally Matter of Hurtado*, 29 I&N Dec. at 222–25 (discussing legislative history in detail).

Respondents' reading of § 1225(b)(2) also works hand in hand with § 1226(a)'s discretionary detention authority. The two sections are not duplicative; instead, § 1226(a) applies to any alien who is present in the country but not an applicant for admission. In other words, it applies to any alien who was admitted, but then something happened that made them deportable under 8 U.S.C. § 1227(a) (listing classes of deportable aliens as "any alien . . . in and admitted to the United States" who fall under any of several classes of deportable alien). Some examples include aliens who violate their nonimmigrant status—e.g., a tourist, student visa holder, H-

1B specialty occupations, and so on. *Id.* § 1227(a)(1)(c). These are aliens who were admitted into the country (so they are not applicants for admission) but then engaged in a deportable act such as overstaying their tourist visa, failing to comply with their student visa requirements, or losing their job that granted them H-1B status. Without § 1226(a), there would be no statutory authority for ICE to detain such aliens.[4] Accordingly, Petitioner's detention is lawful under § 1225(b)(2).[5]

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[4] Several district courts have addressed ICE's interpretation of § 1225(b)(2) since early July 2025, and while some courts have adopted it, the majority have not. *Compare Smit Patel v. Almodovar, et al.*, No. 25-15345 (SDW), 2025 WL 3012323, at *3 (D.N.J. Oct. 28, 2025) (rejecting BIA's interpretation of "applicant for admission" as "contradictory to the plain text of § 1225."); *Rivera Zumba*, 2025 WL 2753496, at *9 (holding that alien residing in the United States for 20 years was not affirmatively "seeking admission" and therefore not subject to § 1225(b)(2)) *and Romero v. Hyde,* No. 25-11631, 2025 WL 2403827, at *1 (D. Mass. Aug. 19, 2025) (collecting cases holding that ICE's interpretation is "contrary to the plain text of the statute and the overall statutory scheme"), *with Pipa-Aquise v. Bondi*, No. 25-1094, 2025 WL 2490657, at *1 (E.D. Va. Aug. 5, 2025) (holding that alien paroled in August 2021 and re-detained in May 2025 was an "applicant for admission" subject to mandatory detention under § 1225(b)); *Pena v. Hyde,* No. 25-11983, 2025 WL 2108913, at *2 (D. Mass. July 28, 2025) (upholding mandatory detention under §1225(b)(2) of alien who "is present in the country but has not yet been lawfully granted admission"); *Chavez v. Noem*, No. 25-2325, 2025 WL 2730228, at *4 (S.D. Cal. Sept. 24, 2025) (similar); *and Vargas Lopez v. Trump*, No. 25-526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025) (similar).

[5] For similar reasons, the Court should dismiss Petitioner's *Accardi* claim, which appears premised on the notion that Respondents are improperly arguing that Petitioner is subject to mandatory detention under 8 C.F.R. § 235.3(b)(1)(ii). But as Petitioner recognizes, *see* Petition ¶ 35, that provision deals with expedited removal. Respondents do not contend that Petitioner is an "arriving alien" subject to expedited removal under § 1225(b)(1), but rather that Petitioner is an "applicant for admission" who is subject to mandatory detention under § 1225(b)(2). In other words, Petitioner fails to identify any violation of 8 C.F.R. § 235.3(b)(1)(ii), because that provision does not apply to Petitioner, nor have Respondents attempted to apply that provision to Petitioner here.

If, however, the Court holds that § 1226(a) applies to Petitioner, the appropriate remedy is a bond hearing at which Petitioner bears the burden, not immediate release from detention. *See Smit Patel*, 2025 WL 3012323, at *4; *see also Castillo*, No. 25-16219 (MEF), 2025 WL 2940990, at *1 (ordering that "Petitioner shall be treated by Respondents as detained under § 1226(a)," and directing ICE to indicate whether Petitioner was afforded a § 1226(a) bond hearing within a week of decision, rather than ordering immediate release); *Valeriano v. Bondi*, No. 25-cv-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 IJ. 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)."); *cf. Borbot v. Warden Hudson Cnty. Corr. Facility,* 906 F.3d 274, 278–79 (3d Cir. 2018) (holding that Due Process does not require the government to bear the burden of proof in bond hearings under 8 U.S.C. § 1226(a)); *but see, e.g.*, *Rivera Zumba*, 2025 WL 2753496, at *10–11 (ordering petitioner's release and "temporarily enjoin[ing] respondents from re-arresting petitioner under . . . 8 U.S.C. § 1226(a) for 14 days after her release"); *Bethancourt Soto v. Soto*, No. 25-16200 (D.N.J. Oct. 22, 2025), ECF 9 (Order).

II. Due Process Permits Mandatory Detention Pending Removal Proceedings

The Court should also reject Petitioner's argument that he has not been afforded due process. As a general matter, "applicants for admission are entitled only

to those rights and protections Congress set forth by statute," and "the due process clause requires 'nothing more.'" *Pena*, 2025 WL 2108913, at *2 (citing *Thuraissigiam*, 591 U.S. at 140). That is because "the Constitution gives the political department of the government plenary authority to decide which aliens to admit, and a concomitant of that power is the power to set the procedures to be followed in determining whether an alien should be admitted." *Thuraissigiam*, 591 U.S. at 139 (citation omitted) (cleaned up); *see also id.* ("[A]liens who arrive at ports of entry—even those paroled elsewhere in the country for years pending removal—are treated for due process purposes as if stopped at the border."). Here, once ICE determined that Petitioner entered the United States without admission (a fact that Petitioner does not dispute), it follows that Petitioner is an "applicant for admission" and subject to mandatory detention.

Petitioner's current detention also comports with due process. As an initial matter, Petitioner has had access to counsel throughout his immigration proceedings, in which he has pursued available administrative remedies including applying for relief from removal. Indeed, Petitioner has a merits hearing scheduled for December 15, 2025, on his application seeking relief from removal. Notice of Internet-Based Hearing at 1. And although the Due Process Clause prohibits unduly prolonged detention, *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), some amount of detention is generally permissible, *Demore v. Kim*, 538 U.S. 510, 511 (2003). The Third Circuit's decision in *German Santos v. Warden Pike County Correctional Facility*, 965 F.3d 203 (3d Cir. 2020), is instructive on this point. There, the court held that when ICE

detains an alien pending removal proceedings under 8 U.S.C. § 1226(c) (which, like § 1225(b)(2), requires mandatory detention), the Due Process Clause demands a bond hearing only once detention has become "unreasonably prolonged." *Id.* at 210–11. This is a "highly fact-specific inquiry" without a bright line. *Id.* But Courts in this District have held that detentions under § 1225(b) considerably longer than Petitioner's here were not unreasonable. *See Adel G. v. Warden, Essex Cnty. Jail*, No. 19-13512 (KM), 2020 WL 1243993, at *2 (D.N.J. Mar. 13, 2020) (collecting cases holding that "detention for fifteen months or less is insufficient to support an as-applied challenge to detention under § 1225(b)"); *see also Rodriguez v. Bondi*, No. 25-791, 2025 WL 2490670, at *3 (E.D. Va. June 24, 2025) (same; collecting cases).

Here, ICE detained Petitioner on August 19, 2025, and his detention is presumptively reasonable. *See, e.g.*, *Pena,* 2025 WL 2108913, at *2–3 (holding detention of 17 days under § 1225(b) comported with due process); *Pipa-Aquise*, 2025 WL 2490657, at *1 (holding that "Petitioner two-month detention" under § 1225(b) did not violate due process).

Finally, even where mandatory detention becomes "unreasonable" under the Due Process Clause, the appropriate remedy is a bond hearing before an IJ, rather than immediate release. *See, e.g.*, *Akhmadjanov v. Oddo*, No. 25-35, 2025 WL 660663, at *5 (W.D. Pa. Feb. 28, 2025); *Rodriguez v. Bondi*, No. 25-791, 2025 WL 2490670, at *3 (E.D. Va. June 24, 2025). Respondents respectfully submit that if the Court finds that Petitioner's detention is unreasonable, it should order an IJ to conduct a bond hearing, rather than release Petitioner.

CONCLUSION

For the foregoing reasons, the Court should dismiss or deny the Petition.

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Dated: October 29, 2025