



## Stillman Legal P.C.

Hon. Madeline Cox Arleo, U.S.D.J.  
United States District Court, District of New Jersey  
Martin Luther King, Jr. Federal Building  
50 Walnut Street  
Newark, NJ 07102

Re: Rosales-Grandez v. Noem, et al., No. 2:25-cv-16955 (MCA)  
Status Update; Request for Immediate Release or, in the Alternative, Direction to Immigration  
Court to Provide Bond Hearing

Dear Judge Arleo:

I write to update the Court regarding significant developments in Petitioner Cristian Rosales-Grandez's immigration proceedings and to respectfully request that the Court order his immediate release or, at minimum, direct Immigration Court to provide Petitioner with a prompt bond hearing with constitutionally adequate safeguards.

On December 4, 2025, Immigration Judge Donato issued an oral decision ordering Peruvian Petitioner removed to Honduras. Both parties waived a written opinion, and the Immigration Court's summary reflects the ruling. Petitioner has timely appealed this removal order to the Board of Immigration Appeals, and therefore the removal order is not final and is automatically stayed pending the BIA's adjudication.

Accordingly, Petitioner remains detained without a final order of removal, without bond eligibility having ever been adjudicated, and without any individualized determination regarding flight risk or danger—despite his lack of criminal history, his full compliance with supervision, and his consistent appearance for all proceedings. Petitioner's detention is therefore purely punitive at this stage, and no statutory basis exists to continue holding him without a bond hearing.

Numerous judges in this District have already held that where DHS relies on § 1225(b)(2), detention without an individualized assessment violates due process once proceedings extend beyond a brief, reasonable period. See, e.g., *Lomeu v. Lyons*, *Castillo v. Lyons*, and *Rivera-Zumba v. Bondi*. Respondents' position in those cases—identical to the position taken here—was rejected.

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Now that Petitioner's removal case has advanced, the Government can no longer justify detention on the theory that he is an "arriving alien" mandatorily detained. There is no statutory authority requiring continued detention, and certainly none that allows indefinite detention pending a BIA appeal.

Given these circumstances, Petitioner respectfully requests that the Court:

(1) Order Petitioner's immediate release under reasonable supervision; OR

(2) Direct the Immigration Judge to provide a bond hearing within 7 days,

at which the Government must:

- bear the burden of proving dangerousness by clear and convincing evidence;
- prove flight risk by a preponderance of the evidence; and
- consider alternatives to detention, as required by due process.

There is no legitimate purpose served by Petitioner's continued detention. He has a pending appeal, strong family ties, a clean history, and no record of non-appearance. Continued custody is causing irreparable harm and impairs his ability to prepare his appeal.

For these reasons, Petitioner respectfully asks the Court to intervene and order immediate relief.

Thank you for the Court's attention to this urgent matter.

Respectfully submitted,  
/s/ Lina Stillman  
Lina Stillman, Esq.  
Stillman Legal, P.C.  
Attorney for Petitioner

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