



U.S. Department of Justice

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BY ECF

Honorable Edward S. Kiel, U.S.D.J.
United States District Court
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

**Re: *Sutuj v. Noem, et al.*, Civ. No. 25-17169
Answer to § 2241 Petition**

Dear Judge Kiel:

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 *Ayala Amaya v. Bondi*, No. 25-16428 (ESK), 2025 WL 3033880 (D.N.J. Oct. 30, 2025).

Respondents stipulate to the following facts asserted in the Petition. Petitioner is a native of Guatemala. Pet. ¶ 15. On October 6, 2025, ICE officers arrested Petitioner during a vehicle stop at 254 Main Street, Cliffside Park, New Jersey. *Id.* ¶ 43. 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.* ¶¶ 3-4. 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). *See* Pet., Prayer for Relief ¶¶ a-g. Petitioner was detained in New Jersey when he filed the Petition on November 4, 2025. *Id.* ¶¶ 1, 8 and 43. *See also* Declaration of Ian Patel, Assistant Field Office Director, ¶¶ 4-7 (ECF 8).

ICE contends, as it did in *Amaya*, 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. As such, he is an “applicant for admission” who is not entitled to a bond hearing. *See Ayala Amaya v. Bondi*, No. 25-16428 (ESK),

ECF No. 4, Resps.' Br. at 11-14 (citing *Matter of Yajure Hurtado*). 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 *Amaya*, the Court ruled that petitioner be detained under 8 U.S.C. § 1226(a), and that an individualized bond hearing before an immigration judge be provided. Here, Respondents acknowledge that their answer to this Petition relies on the same statutory arguments made in *Amaya*, and this Petition asserts the same relevant facts as those in *Amaya*. 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 *Amaya*.¹

We thank the Court for its attention to this matter.

Respectfully submitted,

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¹ 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 Moreira Da Silva v. LaForge*, No. 25-17095 (EP), ECF No. 6 (D.N.J. Nov. 13, 2025) (ordering bond hearing following status conference); *Vicens-Marquez v. Soto*, No. 25-16906 (KSH), ECF No. 15 (same).