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**The Honorable Jamel K. Semper
United States District Court for the
District of New Jersey
Courtroom PO 03
Martin Luther King Building & U.S. Courthouse
50 Walnut Street Room 4015
Newark, NJ 0710**

**RE: Ibrahim v. Rokosky et al
2:25-cv-17189-JKS**

Dear Judge Semper,

This letter serves as a notice of supplementary authority in the above-captioned matter.

Mr. Ibrahim challenges his prolonged detention under 8 U.S.C. §1225(b)(1) without an individualized bond hearing. Mr. Ibrahim argues that he is entitled to a bond hearing or immediate release, as his detention meets all the factors the Third Circuit set out in *German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 211 (3d Cir. 2020). Mr. Ibrahim has been detained since October of 2024. His removal proceedings are currently before the Board of Immigration Appeals, with no briefing schedule set. Additionally, Mr. Ibrahim has medical issues that have gone unaddressed during the course of his now fourteen months in detention.

A court in this District recently granted a habeas petition in similar circumstances, applying the *German Santos* factors towards a challenge to detention under §1225(b). In *Maksaddzhon A. v. Pittman, et al*, Judge Arleo found “the Third Circuit’s analysis in *German Santos* instructive on the issue of when detention under § 1225(b) becomes unduly prolonged.” 2:25-cv-13734-MCA, 2025 WL 3648710, at *2, fn 1. (D.N.J. Dec. 17, 2025). The petitioner in *Maksaddzhon A.* is also in BIA proceedings, and has been detained since September of 2024, and also has medical issues. Applying the *German Santos* factors, Judge Arleo found that the fifteen months the petitioner had been detained was “beyond the outer limit for §1226(c) detainees” and also noted that it was unclear when there would be a decision by the BIA. *Id.* at 3. Judge Arleo also found that the petitioner’s medical needs weighed in his favor. *Id.*

This Court can thus apply the *German Santos* factors to a challenge to §1225(b) detention and should find that Mr. Ibrahim's detention is unreasonably prolonged.

Additionally, this Court should hold a bond hearing in the first instance rather than order an immigration court to do so or in the alternative grant immediate release.

This Court's power to hold its own bond hearing "is a legal and logical concomitant of the court's habeas corpus jurisdiction." *Leslie v. Holder*, 865 F. Supp.2d 627, 634 (M.D.PA 2012).

Courts in this Circuit have conducted their own bond hearings for immigrant detainees after determining that the petitioner's hearing before an immigration judge was inadequate. *See Luciano-Jimenez v. Doll*, 543 F. Supp.3d 69, 73 (M.D. Pa. 2021) (granting a motion to enforce and ordering a new bond hearing conducted by the district court); , *Santos v. Lowe*, No. 1:18-cv-1553, 2020 WL 4530728 at *4 (M.D. Pa. Aug. 6, 2020) (same); *Lopez v. Doll*, No. 1:18-cv-1592, 2018 WL 6696611, at *3 (M.D. Pa. Dec. 20, 2018) (noting that the Court held its own bond hearing because the immigration judge's hearing was legally insufficient); *Wilkins v. Doll*, No. 1:17-cv-2354, 2018 WL 3388032 at *3 (M.D. Pa. July 12, 2018) (ordering its own bond hearing because the Immigration Judge's hearing was not sufficiently individualized); *Guerrero Sanchez v. Sabol*, No. 1:15-cv-2423, 2016 WL 7426129 at *9 (M.D. Pa. Dec. 23, 2016) (same); *Walker v. Lowe*, No. 15-0887, 2016 WL 4077269, at *1 (M.D. Pa. Aug. 1, 2016) (holding its own bond hearing because the petitioner was unable to pay the bond amount set by the Immigration Judge); *Leslie*, 865 F. Supp. 2d at 635 (holding a bond where the Immigration Judge's hearing was inadequate).

Courts may also hold bond motions in the first instance, without first requiring a bond hearing conducted by the IJ. *See Thaxter v. Sabol* No. 14-2413, 2016 WL 3077351, at *3 (M.D. Pa. June 1, 2016). In *Thaxter*, the District Court noted that the "remedy of having the Court review whether Petitioner is entitled to release, also serves the historic purpose of the writ, namely, to relieve detention by executive authorities without judicial trial." *Id* (cleaned up).

This Court is a better venue for an initial bond hearing than an immigration court. A bond hearing pursuant to a grant of habeas relief would be a constitutionally-mandated bond hearing, not a statutory bond hearing of the type typically conducted by immigration judges. As immigration court dockets have increased, the capacity of immigration judges to conduct constitutionally-mandated bond hearings has decreased. Requiring the immigration court to hold the bond hearing in the first instance is often both an inefficient use of the Court's resources and ultimately results in a lengthy increase in the duration the detention of a noncitizen who has been granted habeas relief.

Recently, a judge in the Eastern District of New York who decided to conduct her own bond hearing explained the reasons for a District Court to conduct the hearing in the first

instance. *L.G.M. v. LaRocco*, 788 F. Supp. 3d 401, 406 (E.D.N.Y. 2025). The Court stated that “federal courts are the arbiters of constitutional rights such as those at issue in the Petition” and that those rights outweigh any concerns of efficiency, especially given the number of bond hearings conducted by immigration judges that were found to be constitutionally lacking. *Id* at 405.

Additionally, there is no indication that a bond hearing before an immigration judge would be more efficient. Not only have immigration judges struggled with correctly applying the burdens in a constitutionally-mandated bond hearing, but there is no indication that the immigration judge will be any more familiar with Mr. Ibrahim’s case than this court would be.

Moreover, as Judge Chen explains in *L.G.M.*:

These are not ordinary times. As *L.G.M.* notes in his brief, IJs’ immigration dockets are “exploding,” and these dockets need and deserve all of the attention and expertise the IJs can give them. The sudden and precipitous rise in removal cases, and the strain they are creating on the immigration system, also prompt the Court to be concerned about how expeditiously and effectively an IJ will be able to hold a bond hearing in this matter.

Id at 407.

Judge Chen’s concern is in accord with our office’s experiences. In Legal Services of New Jersey’s practice, we have had to file successive motions to enforce a habeas grant after immigration judges held constitutionally deficient hearings. *See Chiguano v. Lowe*, Case No. 1:24-cv-2210 (MDPA). This would be a likely outcome of asking the immigration court to conduct the bond hearing.

This Court thus can and should hold the bond motion in the first instance.

Sincerely,

/s/Robert Jackel
Robert Jackel
Staff Attorney