



**U.S. Department of Justice**

United States Attorney  
District of New Jersey  
*Civil Division*

ALINA HABBA  
ACTING UNITED STATES ATTORNEY

*Alex Silagi*  
Assistant United States Attorney  
Deputy Chief, Civil Division

970 Broad Street, Suite 700  
Newark, NJ 07102  
alex.silagi@usdoj.gov

main: (973) 645-2700  
direct: (973) 353-6001  
fax: (973) 297-2010

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**BY ECF**

Hon. Brian R. Martinotti, U.S.D.J.  
U.S. District Court for the District of New Jersey  
50 Walnut Street  
Newark, NJ 07102

**Re: *Tene Sislema v. Soto*, No. 25-17204  
Answer to § 2241 Petition**

Dear Judge Martinotti:

This Office represents Respondents in this habeas matter filed by an alien 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 because Your Honor has resolved a similar issue in *Sandhu v. Tsoukaris*, No. 25-15607 (BRM), ECF No. 7 (D.N.J. Nov. 20, 2025) and in *Velasquez-Gomez v. Soto*, No. 25-17327 (BRM), ECF No. 10. Respondents’ legal position here as to § 1225(b)(2) is identical to their position in *Sandhu* and *Velasquez-Gomez*. Respondents accordingly incorporate by reference their arguments made in those matters.<sup>1</sup>

Respondents stipulate to the following facts. Petitioner is a native of Ecuador. Petition (“Pet.”) ¶¶ 1, 9. In 2019, Petitioner entered the United States without being admitted or paroled after inspection. *Id.*; Pet. Ex. A, NTA. On October 24, 2025, immigration officers arrested and detained Petitioner and served Petitioner with a Notice to Appear (“NTA”), which charged him with removability under Immigration and Nationality Act (“INA”) § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), for being present in the United States without admission or parole. Pet. ¶¶ 2, 14; Ex. A, NTA.

<sup>1</sup> See, 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).

Because Petitioner is an “applicant for admission” under § 1225(a), he is subject to mandatory detention under § 1225(b)(2), as the Board of Immigration Appeals’ (“BIA”) held in the *Matter of Yajure Hurtado*, 29 I&N Dec. 215 (BIA 2025). See Pet. ¶ 19. Petitioner argues his warrantless detention without bond under § 1225(b)(2) is unlawful. *Id.* ¶ 27. In the alternative, Petitioner requests a bond hearing under § 1226(a). Pet. ¶ 28, Prayer for Relief at (4).

ICE contends, as it has in all other cases involving § 1225(b)(2) detention in this District, that Petitioner’s detention is governed by § 1225(b)(2) because he is an alien who entered without inspection or parole and was detained by immigration authorities in the interior of the country after never having been lawfully admitted. As such, he remains an “applicant for admission” who is not entitled to a bond hearing. See *Sandhu*, No. 25-15607, ECF No. 5, Resps.’ Ans. (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), and not immediate release. See *id.*

Here, Respondents respectfully reassert their arguments from *Sandhu* in the absence of precedential authority from the Third Circuit Court of Appeals. Given the similar legal 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 positions in *Sandhu* and *Velasquez-Gomez*.<sup>2</sup> We thank the Court for its attention to this matter.

Respectfully submitted,

TODD BLANCHE  
U.S. Deputy Attorney General

ALINA HABBA  
Acting United States Attorney  
Special Attorney

By: s/ Alex Silagi  
ALEX D. SILAGI  
Assistant United States Attorney  
Deputy Chief, Civil Division  
*Attorneys for Respondents*

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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 No. 4 (D.N.J. Nov. 14, 2025) (ordering relief without answer); *Moreira Da Silva v. LaForge*, No. 25-17095 (EP), ECF No. 6 (D.N.J. Nov. 13, 2025) (ordering bond hearing without answer); *Vicens-Marquez v. Soto*, No. 25-16906 (KSH), ECF No. 15 (same).