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December 8, 2025

Via Electronic Filing

Hon. Esther Salas, U.S.D.J.
United States District Court, D.N.J.
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

**Re: *Liu v. Soto*, No. 25-cv-17232 (ES)
Answer to § 2241 Petition**

Dear Judge Salas:

This Office represents Respondents in the above-referenced habeas matter filed by a noncitizen challenging the legality of his detention by U.S. Immigration and Customs Enforcement (“ICE”) pursuant to 8 U.S.C. § 1225(b)(2). We respectfully submit this letter response in light of the Court’s recent decision in *Diaz Rudecindo v. Florentino*, No. 25-cv-16942 (ES), 2025 WL 3470299 (D.N.J. Dec. 3, 2025).

I. Background.

On or about August 7, 2024, Petitioner, a citizen and native of the People’s Republic of China, entered the United States near Tecate, California, without being inspected, admitted, or paroled. Ex. 1 at 2 (Form I-213); *see also* Pet. ¶¶ 1, 15, ECF No. 1. On August 8, 2024, Petitioner was issued a Notice to Appear charging 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. Ex. 2 at 1 (Notice to Appear); *see also* Pet. ¶ 16, ECF No. 1. On August 9, 2024, the Notice to Appear was filed with the immigration court, thereby initiating removal proceedings. *See id.* Petitioner was released on his own recognizance. Ex. 1 at 2 (Form I-213). On November 2, 2025, immigration authorities arrested and detained Petitioner. Ex. 3 (Form I-200); *see also* Pet. ¶¶ 2, 19, ECF No. 1.

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II. Petitioner Is An “Applicant for Admission” Subject to Mandatory Detention under § 1225(b)(2).

ICE contends, as it did in *Diaz Rudecindo* and *Corea Sanchez v. Bondi*, No. 25-cv-16113 (ES) (D.N.J.), that Petitioner’s detention is governed by § 1225(b)(2) because he is an alien who unlawfully entered the United States without inspection or admission who was later detained by immigration authorities in the interior of the country. Accordingly, Petitioner is an “applicant for admission” who is not entitled to a bond hearing. See *Corea Sanchez*, No. 25-cv-16113 (ES) (D.N.J. Oct. 23, 2025), ECF No. 5 at 14-25 (Resp’ts’ Answer); *Diaz Rudecindo*, No. 25-cv-16942 (ES) (D.N.J. Nov. 18, 2025), ECF No. 4 (Resp’ts’ Answer) (incorporating by reference respondents’ legal position in *Corea Sanchez*). ICE further contends that the only remedy, if the Court finds that § 1225 does not apply, is a bond hearing under § 1226(a) at which Petitioner bears the burden and not immediate release. See *Corea Sanchez*, No. 25-cv-16113 (ES) (D.N.J. Oct. 23, 2025), ECF No. 5 at 25 n.5 (Resp’ts’ Answer); *Diaz Rudecindo*, No. 25-cv-16942 (ES) (D.N.J. Nov. 18, 2025), ECF No. 4 at 2 (Resp’ts’ Answer).

In *Diaz Rudecindo*, the Court “conclude[d] that § 1226(a)—not § 1225(b)(2)(A)—applie[d] to [the p]etitioner’s detention.” 2025 WL 3470299, at *3. In doing so, this Court agreed with the many courts around the country that have rejected the U.S. Department of Homeland Security’s interpretation of § 1225(b)(2), including “every court in this District to have considered this issue[.]” *Id.* at *3 & n.3 (collecting cases).

Here, Respondents acknowledge that their answer to this Petition relies on the same statutory arguments made in *Corea Sanchez* and incorporated by reference in *Diaz Rudecindo*, and this Petition asserts the same relevant facts as those in *Corea Sanchez* and *Diaz Rudecindo*. Given the similar issues, the importance of resolving the Petition expeditiously, and the preservation of the Court’s and the parties’ resources, Respondents incorporate by reference their position in *Corea Sanchez* and *Diaz Rudecindo*.¹ ICE continues to respectfully assert that position before this Court

¹ In at least two other recent habeas actions before courts in this District that had previously decided the § 1225(b)(2) issue, the courts granted the petitions before respondents submitted a written answer because respondents confirmed that the relevant detention authority was § 1225(b)(2) and that ICE intended to assert the same arguments it had asserted in the prior habeas actions. See *Vicens-Marquez v. Soto*, No. 25-cv-16906 (KSH) (D.N.J. Nov. 6, 2025), ECF No. 15 (Mem. & Order); *Chiquito Barzola v. Warden*, No. 25-cv-17326 (MEF) (D.N.J. Nov. 12, 2025), ECF No.

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in the absence of precedential authority to the contrary from the Third Circuit Court of Appeals.

Should Your Honor have any questions or concerns, please do not hesitate to contact this Office. Thank you very much for your consideration of this matter.

Respectfully submitted,

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Encls.

10 (Order). Consistent with that procedure, Respondents remain available to discuss the merits of this or any future habeas petition raising similar issues at a conference at the Court's convenience.