



U.S. Department of Justice

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BY ECF

Hon. Jamel K. Semper, U.S.D.J.
U.S. District Court for the District of New Jersey
2 Federal Square
Newark, NJ 07102

**Re: *Wang v. Bondi*, No. 25-17336
Answer to § 2241 Petition**

Dear Judge Semper:

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 *Contreras Maldonado v. Cabezas*, No. 25-13004 (JKS), 2025 WL 2985256 (D.N.J. Oct. 23, 2025).

Respondents stipulate to the following facts asserted in the Petition. Petitioner is a native of the People’s Republic of China. Pet. ¶ 1. He entered the United States in October 2023 without inspection. *Id.* ¶ 15. On October 23, 2025, ICE officers arrested Petitioner after he attended an ICE check-in. *Id.* ¶ 19. ICE has detained Petitioner since October 23, 2025. *Id.* Petitioner is in ICE detention without bond pursuant to DHS’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.* ¶¶ 20, 29-30. 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). *Id.*, Prayer for Relief ¶ 1.

ICE contends, as it did in *Contreras Maldonado*, 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 Contreras Maldonado*, No. 25-13004 (JKS), ECF No. 26, Gov’ts’ Br. at 10-12 (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 *Contreras Maldonado*, the Court ruled that the detention was improper under § 1225(b)(2) and ordered immediate release. The Court sided with the courts around the country that have concluded that § 1225(b)(2) applied exclusively to encounters at the border, while 1226(a) applies to aliens, like Petitioner, who were already present in the country, albeit unlawfully, at the time of their encounter with immigration authorities.

Here, Respondents acknowledge that their answer to this Petition relies on the same statutory arguments made in *Contreras Maldonado*, and this Petition asserts the same relevant facts as those in *Contreras Maldonado*. 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 *Contreras Maldonado*.¹

We thank the Court for its attention to this matter.

Respectfully submitted,

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cc: Counsel of record (by ECF)

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).