



U.S. Department of Justice

United States Attorney
District of New Jersey
Civil Division

ALINA HABBA
ACTING UNITED STATES ATTORNEY

Frances C. Bajada
Assistant United States Attorney

970 Broad Street, Suite 700
Newark, New Jersey 07102
frances.bajada@usdoj.gov

main: (973) 645-2700
direct: (973) 297-2038

December 4, 2025

Via ECF

Honorable Esther Salas
United States District Judge
Martin Luther King Jr. United States Courthouse
50 Walnut Street
Newark, New Jersey 07102

**Re: *Cisneros Lopez v. Soto, et al.*, Civil No. 25-17353 (ES)
Answer to § 2241 Petition**

Dear Judge Salas:

This Office represents Respondents in the above immigration habeas matter filed by an alien 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 Answer in light of the Court’s recent decision in *Diaz Rudecindo v. Florentino, et al.*, No. 25-16942 (ES), ECF 6 (finding detention under § 1225(b)(2) unlawful as applied to noncitizen and ordering Respondents to treat noncitizen as detained under § 1226(a)).¹ Moreover, this Office has submitted briefing on the § 1225(b)(2) issue to Your Honor in *Corea Sanchez v. Bondi*, No. 25-16113 (ES), ECF 5, Respondents’ Answer (D.N.J. Oct. 23, 2025). Respondents’ legal position regarding Petitioner’s custody under § 1225(b)(2) is identical to their Answer in the earlier-filed

¹ See also, 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).

Corea Sanchez matter.² Respondents accordingly incorporate that Answer by reference.

Here, Petitioner is a native and citizen of Guatemala. Exhibit A to Petition (Notice to Appear) at 1; Exhibit A to Answer (I-213, Record of Deportable/Inadmissible Alien) at 3. Petitioner illegally entered the United States without inspection or admission at an unknown place on an unknown date. I-213, Record of Deportable/Inadmissible Alien at 3. On October 31, 2025, ICE officers took Petitioner into custody pursuant to an I-200 Warrant for Arrest of Alien, Exhibit B to Petition. I-213, Record of Deportable/Inadmissible Alien at 2. ICE has detained Petitioner since October 31, 2025, pursuant to 8 U.S.C. § 1225(b)(2), which requires mandatory detention, and the Board of Immigration Appeals' recent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Petition, ¶¶ 7, 30; Notice to Appear at 1. Petitioner argues that his mandatory detention under § 1225(b)(2) is unlawful, and he seeks either immediate release or a bond hearing under § 1226(a). Petition, ¶ 10; Prayer for Relief ¶ 71. Petitioner was detained in New Jersey when he filed the Petition on November 10, 2025. Petition, ¶ 28.

Respondents respectfully contend, as they did in *Corea Sanchez* and *Diaz Rudecindo*, 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 and has been detained by immigration authorities in the interior of the country. Accordingly, Petitioner remains an "applicant for admission" and is not entitled to a bond hearing. *See Lomeu v. Lyons*, No. 25-16589 (EP), ECF 7, Respondents' Br. at 9-18 (citing *Matter of Yajure Hurtado*). Respondents further contend 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 of proof and not the immediate release of Petitioner. *See, e.g., Valeriano v. Bondi*, No. 25-16100 (MAS), ECF 4 (D.N.J. Oct. 1, 2025), at 2 ("As Petitioner acknowledges, even under his reading of the relevant immigration statutes, he is still subject to detention under 8 U.S.C. § 1226(a), albeit with an entitlement to seek bond from an immigration judge. Should Petitioner prevail in this matter, the proper relief would constitute an order directing the Government to provide Petitioner with the bond hearing to which he contends he is entitled under § 1226(a).").

² Although the procedural facts related to Petitioner's manner of entry are not the same as in *Corea Sanchez*, the statutory arguments remain the same. Here, unlike in *Corea Sanchez*, Petitioner was not encountered by Border Patrol officers who determined that he had unlawfully entered the United States. Nevertheless, because he unlawfully entered the United States without inspection or admission, Petitioner remains subject to mandatory detention under § 1225(b)(2) because he is an applicant for admission.

Respondents acknowledge that their Answer to the Petition relies on the same statutory arguments Respondents made in *Corea Sanchez*. Given the similar issues, the importance of efficient resolution of the Petition, and the preservation of the Court's and the parties' resources, Respondents incorporate by reference their position in *Corea Sanchez v. Bondi*, No. 25-16113 (ES), ECF 5, Respondents' Answer (D.N.J. Oct. 23, 2025).³ For the reasons stated in Respondents' briefing in *Corea Sanchez* and here, Respondents respectfully contend that the Court should dismiss the Petition.

We thank the Court for its consideration of this matter.

Respectfully submitted,

TODD BLANCHE
U.S. Deputy Attorney General

ALINA HABBA
Acting United States Attorney
Special Attorney

By: *s/Frances C. Bajada*
FRANCES C. BAJADA
Assistant United States Attorney
Attorneys for Respondents

cc: Counsel of record (ECF)

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