



**U.S. Department of Justice**

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December 5, 2025

**By ECF**

Hon. Michael E. Farbiarz, U.S.D.J.  
U.S. District Court for the District of New Jersey  
Frank Lautenberg Post Office & U.S. Courthouse  
2 Federal Square  
Newark, NJ 07102

**Re: *Martinez Ron v. Lyons*, No. 25-17359  
Response to Amended Petition and Discovery Requests**

Dear Judge Farbiarz:

This Office represents Respondents in this habeas matter filed by a noncitizen challenging his detention by U.S. Immigration and Customs Enforcement (“ICE”) pursuant to 8 U.S.C. § 1225(b)(2). We write to respectfully respond to Petitioner’s Amended Petition and proposed discovery. ECF Nos. 19, 21.

**Petitioner’s Detention**

Respondents responded the Petition (ECF No. 1) and argued that Petitioner’s detention was proper under § 1225(b)(2). *See* ECF No. 8 (incorporating arguments from *Castillo v. Lyons*, No. 25-16219-MEF (D.N.J.), ECF No. 9, Answer at 4-14; and *Buestan v. Chu*, No. 25-16034 (MEF), ECF No. 6, Answer at 12-19). The Court disagreed, ordered that Respondents must treat Petitioner as held under § 1226(a), and ordered a bond hearing. ECF No. 10. Petitioner received a bond hearing on November 21, 2025, where an Immigration Judge in Batavia, New York, denied bond. *See* ECF No. 15.

Much of the Amended Petition makes the same arguments regarding detention authority, an issue the Court already adjudicated. The Court’s decision on the issue is law of the case, and the Court need not re-adjudicate it to resolve the Amended Petition.

### **Petitioner's Collateral Attack on the Bond Hearing**

In his Amended Petition, Petitioner brings a collateral attack on the bond hearing he received before an Immigration Judge in New York. Specifically, the Amended Petition adds additional allegations as well as Counts Six and Seven to challenge the bond hearing. Petitioner included extensive discovery requests on bond hearing outcomes in New York and nationwide as well as “directives, emails, policies, guidelines, instructions, memos, and/or other communications to [immigration judges] in 2025 relating to bond hearings and custody determinations in removal proceedings[.]” among other things. The Court should deny discovery and decline to conduct a collateral review of the bond decision, for which Petitioner has an administrative appeal to the Board of Immigration Appeals (BIA).

Petitioner previously conceded that “[t]his Court is not an appellate court that can review an Immigration Judge’s decision[.]” ECF No. 14. That is correct. “This Court does not have jurisdiction to review Petitioner’s challenges to the denial of bond by the immigration judge or any of the ongoing immigration proceedings being conducted by the immigration judge.” *Magassouba v. Holder*, No. 10-5989 FSH, 2011 WL 3859735, at \*2 (D.N.J. Aug. 31, 2011); *see* 8 U.S.C. § 1226(e) (“No court may set aside any action or decision by the Attorney General under this section regarding the detention of any alien or the revocation or denial of bond or parole.”); *Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624, at \*2-3 (3d Cir. Feb. 25, 2022) (“this amounts to an allegation of improper evidence weighing, and this is not within our authority to consider”); *Alvarado Vargas v. U.S. Dep’t of Homeland Sec.*, No. 18-03831, 2019 WL 13565712, at \*1 (D.N.J. Nov. 25, 2019). Indeed, in the case concerning the Batavia Immigration Court that Petitioner referenced in his earlier letter at ECF No. 14, the district court found that “it lacks jurisdiction over [the detainees’] claims” that certain immigration judges regularly denied bond applications. *See Onosamba-Ohindo v. Barr*, 483 F. Supp. 3d 159, 185 (W.D.N.Y. 2020), *judgment vacated in part, appeal dismissed sub nom. Agustin v. Searls*, No. 20-3712, 2022 WL 15985214 (2d Cir. Aug. 26, 2022). This Court should take the same position.

The Court should also deny Petitioner’s request for extensive discovery on the bond hearing issue. A habeas petitioner must show good cause to obtain discovery. *See Jane G.A. v. Rodriguez*, No. 20-5922-ES, 2021 WL 2530850, at \*1 (D.N.J. Jan. 8, 2021) (citing *Levi v. Holt*, 192 F. App’x 158, 162 (3d Cir. 2006)). A petitioner may satisfy the “good cause” standard by “setting forth specific factual allegations which, if fully developed, would entitle him or her to the writ.” *See id.* (citing *Williams v. Beard*, 637 F.3d 195, 209 (3d Cir. 2011)). The Court already granted relief in this case, and Petitioner has not shown good cause for sweeping civil discovery about bond hearings at the Batavia Immigration Court and nationwide. Such discovery is

unworkable and, more importantly, this habeas petition is not the proper vehicle to challenge bond procedures that have nothing to do with Petitioner's specific hearing.

Further, Petitioner has not exhausted his administrative remedies. Petitioner has an administrative appeal to the BIA available to him on the denial of bond. This alternative remedy further dispels any good cause for Petitioner to conduct discovery in this matter.

Thus, Respondents respectfully request that the Court deny Petitioner's request for discovery and dismiss the amended habeas petition.

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cc: Counsel of Record