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December 16, 2025

By ECF
Hon. José R. Almonte, U.S.M.J.
U.S. District Court for the District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets Room 1050
Camden, NJ 08101

Re: *Martinez Ron v. Lyons,* No. 25-17359-MEF
Opposition to Petitioner's Request for Discovery

Dear Judge Almonte:

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") pursuant to 8 U.S.C. § 1225(b)(2). We write in response to Petitioner's December 15, 2025 letter, asserting that he need discovery to examine the "lack of Due Process provided to the Petitioner at his district-court-ordered bond hearing, and the overall inability of the Immigration Courts ('IC') to provide Due Process compliant hearings[.]" ECF No. 25. The Court should deny Petitioner's request for discovery because he has already received habeas relief, his requests are overly broad and unrelated to Petitioner on an individual basis, and discovery in habeas is only permitted on a showing a good cause, which Petitioner cannot demonstrate.

BACKGROUND

On November 11, 2025, Petitioner initiated this § 2241 habeas action to challenge his detention and seek immediate release. ECF No. 1. On November 13, 2025, District Judge Farbiarz granted relief on the Petition and ordered a bond hearing for Petitioner. ECF No. 10. Petitioner obtained a continuance of the initial bond hearing and attended a rescheduled bond hearing on November 21, 2025 where an Immigration Judge in Batavia, New York, denied bond based on flight risk. ECF Nos. 12, 14-15. Petitioner reserved appeal on the bond determination before the Board of Immigration Appeals ("BIA"), which is due on December 22, 2025. *See* ECF No. 15, Order of the Immigration Judge.

Petitioner filed an amended petition in this action and now seeks discovery about, *inter alia*: the Batavia immigration court and its bond determinations; "[a]ll bond hearings nationwide since Matter of Hurtado"; memoranda and communications regarding an alleged "joint agreement between the DOJ and DHS to create the policy that anyone who entered without inspection is subject to mandatory detention"; "[a]ll internal DOJ and EOIR" communications and records "to IJs in 2025 relating to bond hearings and custody determinations in removal proceedings"; a "list of fired immigration judges and the reasons they were fired"; "[a]pproval/denial rates for all the fired immigration judges"; and virtually all records and communications "relating to bond decisions provided to the newly hired judges[.]" ECF Nos. 19-1, 21.

ARGUMENT

The Court should reject Petitioner's collateral attack on the bond hearing and deny discovery. 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. He also has an avenue to relief in his BIA appeal.

"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.

Discovery in habeas matters is disfavored and only permitted on a showing of good cause. *Roe v. Oddo*, No. 25-128, 2025 WL 3030692, at *17 (W.D. Pa. Oct. 30, 2025). Even so, § 2241 "was never meant to be a fishing expedition for habeas petitioners to explore their case in search of its existence." *Rich v. Calderon*, 187 F.3d 1064, 1067 (9th Cir. 1999) (cleaned up). Further, where a court lacks jurisdiction to review an issue, the petitioner cannot show good cause for discovery on that issue. *Roe*, 2025 WL 3030692 at *19. And where, as here, the "issues are capable of resolution on the administrative record to be provided by respondents," that

"eliminates the need for discovery by petitioner." *Traore v. Gonzalez*, No. 06-5824 (KSH), 2007 WL 63994, at *2 (D.N.J. Jan. 5, 2007); *Kotey v. Gonzalez*, No. 07-1136 (JLL), 2007 WL 951436, at *2 (D.N.J. Mar. 27, 2007) (same).

The issue raised by Petitioner in his initial Petition was the statutory basis for his detention by ICE. ECF No. 1. The Court resolved that in Petitioner's favor and granted relief. ECF No. 10. His Amended Petition pursues a collateral attack on the decision of the Immigration Judge in Batavia, New York, who conducted the bond hearing as well as the conduct of all such judges working for the Executive Office of Immigration Review. ECF No. 19. The discovery sought is vast and expansive. ECF Nos. 19-1, 21. Indeed, the discovery requests suggest a civil action with nationwide implications, not a habeas petition seeking limited relief for a single individual. *See Ademola v. Oddo*, No. 25-0026-KAP, 2025 WL 2597430, at *1 (W.D. Pa. Aug. 13, 2025) ("habeas corpus is a summary proceeding, not a general civil matter, and a habeas petitioner unlike the usual civil litigant is not entitled to discovery as a matter of course"). Indeed, Petitioner admits that he wants discovery that has little bearing on his individual detention because he seeks "to shed light on why IJs are being fired, what directives and threats they are operating under, what training and instructions are being provided to new IJs, and to determine if it is possible to obtain a Due Process compliant hearing before IJ Counihan or the IC in general." ECF No. 25. While insisting that he needs to conduct a full forensic examination of the nationwide system of immigration courts, Petitioner fails to address the fact that his BIA appeal could moot his collateral attack on the Batavia bond hearing at any time if he prevails.

Petitioner obtained habeas relief from the Court. He has an administrative avenue to challenge the fact-weighing at his bond hearing. Respondents respectfully request that the Court deny discovery and close this § 2241 matter.

Respectfully submitted,

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By: /s/ *John T. Stinson*
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cc: Counsel of Record