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BY ECF

Honorable Brian R. Martinotti, U.S.D.J.
U.S. District Court for the District of New Jersey
50 Walnut Street
Newark, NJ 07102

**Re: *Singh v. Pamela Bondi*, No. 25-17362
Answer to § 2241 Petition**

Dear Judge Martinotti:

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 the petition, ECF No. 1, which the Court should dismiss or deny for the reasons below.

This matter raises the same issues the Court recently decided in *Sandhu v. Bondi, et al*, No. 25-14607-BRM, 2025 (D.N.J. Nov. 20, 2025). ICE detained Petitioner at Delaney Hall Detention Center on October 28, 2025. Pet. ¶¶ 4. Petitioner entered the United States without inspection on or about March 19, 2023. *Id.* ¶ 1. Petitioner is accordingly in ICE detention without bond as an “applicant 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). Petitioner argues his detention under § 1225(b)(2) is unlawful and he seeks immediate release, a bond hearing before this Court, or a bond hearing by the immigration court under § 1226(a). *Id.*, Prayer for Relief ¶ 3.

Respondents contend, as they did in *Sandhu*, that Petitioner’s detention is governed by 8 U.S.C. § 1225(b)(2) because he is a noncitizen 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. Respondents also contend that the only remedy, if the Court finds § 1225 does not apply, is a bond hearing under § 1226(a) not immediate release.

In *Sandhu*, the Court ruled that detention was improper under § 1225(b)(2). The Court sided with the many courts that have concluded that § 1225(b)(2) applied exclusively to encounters at the border, while 1226(a) applies to noncitizens, like Petitioner, who were already present in the country, albeit unlawfully, at the time of their encounter with immigration authorities. *See Sandhu v. Bondi, et al*, No. 25-14607-BRM, 2025 (D.N.J. Nov. 20, 2025).¹ Respondents, however, respectfully assert that its detention of Petitioner is lawful while acknowledging that federal district courts, including this one, have rejected Respondents' interpretation of § 1225(b). *See, e.g., Rivera Zumba v. Bondi*, No. 25-14626 (KSH), 2025 WL 2753496 (D.N.J. Sept. 26, 2025). The BIA, the highest administrative body that interprets immigration law in the immigration courts, has held that § 1225(b)(2) does apply to noncitizens like the Petitioner. ICE and the immigration judges accordingly must follow that decision in litigation relating to a noncitizen's detention in immigration proceedings. ICE continues to respectfully assert that position before this Court in the absence of precedential authority to the contrary from the Third Circuit.

We thank the Court for its attention to this matter.

Respectfully submitted,

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