

Sugandha Dahiya & Associates
ATTORNEYS & COUNSELLORS AT LAW

40 Wall Street, 25th Floor, New York, New York 10005
TEL: (212) 428-2000 · FAX: (212) 428-2001

December 10, 2025

To:

The Honorable Judge Brian R. Martinotti
United States District Judge
District of New Jersey
50 Walnut Street
Newark, NJ 07102

RE: **Case No. 2:25-cv-17632, Singh v. Almodovar et al**
Letter Reply to Respondent's Response dated December 3, 2025

Dear Judge Martinotti:

Petitioner respectfully submits this Reply to Respondents' December 3, 2025, letter ("Resp. Ltr."). As explained below, Respondents' position has already been rejected multiple times by this Court, including in *Sandhu v. Bondi*, No. 25-14607-BRM (D.N.J. Nov. 20, 2025), and *Rivera Zumba v. Bondi*, No. 25-14626 (KSH), 2025 WL 2753496 (D.N.J. Sept. 26, 2025). Respondents concede as much in their filing. Because DHS again provides no individualized evidence to justify detention, and because the record affirmatively establishes that Petitioner is neither a flight risk nor a danger to the community as there is no criminal record for the Petitioner, the Court should grant the habeas petition in its entirety and order immediate release.

Numerous courts have found authority to issue such an order in The All Writs Act, 28 U.S.C. § 1651(a), which empowers federal courts to issue writs. The New Jersey Supreme Court has recognized that courts retain the inherent power to issue "appropriate writs" necessary to effectuate or protect their jurisdiction. *State v. Molnar*, 81 N.J. 475, 483–84 (1980); *O'Neill v. Vreeland*, 6 N.J. 158, 167 (1951).

This Court has already determined that noncitizens arrested in the interior, after having lived for a substantial period in the United States, are not "applicants for admission" under § 1225(b)(2) and therefore may not be detained without bond. *Sandhu; Rivera Zumba*. Respondents admit that this Court has repeatedly ruled against DHS on this exact issue, yet they present no new authority, and no factual basis justifying continued incarceration. Respondents rely on *Matter of Yajure Hurtado*, 29 I&N Dec. 215 (BIA 2025), but this Court has already held that BIA precedent cannot override the plain language of the statute and binding federal court authority. See *Sandhu*

v. Bondi, No. 25-14607-BRM (D.N.J. Nov. 20, 2025) (finding detention improper under § 1225(b)(2)); *Rivera Zumba v. Bondi*, 2025 WL 2753496, at *5 (D.N.J. Sept. 26, 2025).

In both cases, the Court held that § 1225(b)(2) applies only to encounters at the border, individuals arrested inside the United States are detained under § 1226(a), and such individuals are legally entitled to a bond hearing OR release. Respondents expressly concede that this Court has rejected their position in *multiple* decisions.

Even if a bond hearing were required, Respondents have failed entirely to meet their burden. Detention under § 1226(a) must be justified by evidence of danger or flight risk. See *Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020) (government bears burden to justify continued immigration detention under due process principles); *Guerrero-Sanchez v. Warden York Cty. Prison*, 905 F.3d 208, 220–22 (3d Cir. 2018) (prolonged detention requires meaningful process and individualized findings).

In additional support to Petitioner’s argument of his release, Petitioner submits that he has never committed, been arrested or otherwise charged of a crime. No evidence exists of the Petitioner being a danger to the community. Petitioner was arrested on October 28, 2025, at a routine ICE check-in appointment. Petitioner has complied with such routine appointments each time he was summoned. By way of background, Petitioner has sufficiently demonstrated that he is not a flight risk. Petitioner’s record establishes all components warranting his release from custody. Bond proceedings would be futile, and would expose Petitioner to the risk of additional discretionary review by an Immigration Judge, where such additional layer of scrutiny is not required by law.

In light of the above, the Petitioner through counsel respectfully requests that Your Honor issue an Order granting Petitioner’s habeas corpus petition in its entirety, thus by releasing the Petitioner within 15 days of issuance of the Order.

I thank you for your kind consideration and attention to this matter.

To all parties via CMF/ECF

Respectfully Submitted,

/s/ Sugandha Dahiya.

Sugandha Dahiya, Esq.
Sugandha Dahiya & Associates, P.C.
40 Wall Street,
Floor 25,
New York, New York 10005
(212) 428-2000