



U.S. Department of Justice

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November 24, 2025

By ECF

Hon. Edward S. Kiel, U.S.D.J.
U.S. District Court for the District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

**Re: *Kaly Bah v. Soto*, No. 25-cv-17337
Answer to § 2241 Petition**

Dear Judge Kiel:

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”) under 8 U.S.C. § 1225(b)(2). We respectfully submit this letter response in light of the Court’s recent decision in *Ayala Amaya v. Bondi*, No. 25-16427 (ESK), 2025 WL 3033880 (D.N.J. Oct. 30, 2025), and *Perez v. Lyons*, No. 25-17186-ESK, 2025 WL 3238540, at *3 (D.N.J. Nov. 19, 2025) (“Respondents are ordered to treat petitioner as detained under § 1226(a) and provide him with an individualized bond hearing.”).

Respondents stipulate to the following facts asserted in the Petition. Petitioner is a citizen and national of Guinea. Pet. ¶ 5. He entered the United States in January 2024 without inspection. *Id.* ¶ 25. On October 23, 2025, ICE officers arrested Petitioner in New York City. *Id.* ¶ 10.¹ ICE has detained him since then. *Id.* Petitioner is in ICE detention because ICE considers him an “applicant for admission” under § 1225(b)(2). *See also Matter of Yajure Hurtado*, 29 I&N Dec. 215 (BIA 2025). *Id.* ¶¶ 3, 18. Petitioner argues his detention without bond under § 1225(b)(2) is unlawful and he seeks either immediate release or a bond hearing under § 1226(a). *Id.*, Prayer for Relief ¶¶ 3. Petitioner was detained in New Jersey when he filed the Petition. Pet. ¶ 4.

¹ In Paragraph 3 of the Petition, Petitioner misstates the year as 2024, but in three other places, notes it correctly as 2025.

Respondents contend, as they did in *Ayala Amaya*, that the Petitioner's detention is governed by § 1225(b)(2) because he is an alien 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. *See Ayala Amaya v. Bondi*, No. 25-16427 (ESK) (D.N.J.), ECF No. 4, Gov'ts' Br. at 6-17 (citing *Matter of Yajure Hurtado*). 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. *See id.* The Court disagreed with *Matter of Yajure Hurtado* in *Ayala Amaya*. Instead, the Court sided with the vast majority of courts around the country that have concluded that § 1225(b)(2) applies exclusively to encounters at the border, while 1226(a) applies to aliens, like Petitioner, who were already present in the country, albeit unlawfully, at the time of their encounter with immigration authorities.

Here, Respondents acknowledge that their answer to this Petition relies on the same statutory arguments made in *Ayala Amaya*, and this Petition asserts similar relevant facts as those in *Ayala Amaya*. Given the similar issues, the importance of efficient resolution of this habeas petition, and the preservation of the Court's and the parties' resources, Respondents incorporate by reference their position in *Ayala Amaya*.²

We thank the Court for its attention to this matter.

Respectfully submitted,

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

² In recent matters, other courts in this district have summarily adjudicated § 1225(b)(2) habeas matters in lieu of a formal answer based on stipulated facts and identical legal issues. *See Moreira Da Silva v. LaForge*, No. 25-17095 (EP), ECF No. 6 (D.N.J. Nov. 13, 2025) (ordering bond hearing following status conference); *Vicens-Marquez v. Soto*, No. 25-16906 (KSH), ECF No. 15 (same).