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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 (ESK), Reply to Respondents' Answer

Dear Honorable Judge Kiel:

This Office represents Petitioner in this matter.

Petitioner agrees with Respondents that this Court's recent decisions 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), control the merits of this matter.

Petitioner writes separately to briefly address the question of remedy. Specifically, Petitioner requests the Court order Petitioner released from detention forthwith, as a number of Courts within this District have so ordered in similar situations. *See Contreras Maldonado v. Cabezas*, No. 25-13004 (JKS), 2025 WL 2985256, at \*7 (D.N.J. Oct. 23, 2025) (ordering release as remedy to habeas and unlawful detention); *Bethancourt Soto v. Soto*, No. 25-16200 (CPO), — F. Supp. 3d —, 2025 WL 2976572, at \*9 (D.N.J. Oct. 22, 2025) (same); *Zumba v. Bondi*, No. 25-14626 (KSH), 2025 WL 2753496, at \*11 (D.N.J. Sept. 26, 2025) (same).

As written by Judge O'Hearn in *Bethancourt Soto*, “[a]s Respondents have not argued in the alternative that Petitioner should be detained under § 1226(a), the Court cannot construe the record to authorize his continued detention on that basis. Accordingly, the Court will order Petitioner's immediate release and permanently enjoin Respondents from re-detaining him under § 1225.” *See* — F. Supp. 3d —, 2025 WL 2976572, at \*9.<sup>1</sup> *See also Cuy Comes v. Deleon*, No. 25 CIV. 9283 (AT), 2025 WL 3206491, at \*3 (S.D.N.Y. Nov. 14, 2025) (“Respondents’ suggestion that any constitutional violation could be cured if [Petitioner]

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<sup>1</sup> It does not appear that the question of remedy (release vs bond hearing) was litigated in *Ayala Amaya* and *Perez*.

requested a custody re-determination hearing before an immigration judge does not hold water. Such a hearing occurs *after* ICE makes its initial decision to detain. . . . Given the nature of the constitutional violation [Petitioner] sustained here—*i.e.*, Respondents’ failure to conduct any kind of individualized assessment *before* detaining him—any post-deprivation review by an immigration judge would be inadequate.”) (internal quotations omitted) (emphasis in original).

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