



U.S. Department of Justice

United States Attorney
District of New Jersey
Civil Division

ALINA HABBA
ACTING UNITED STATES ATTORNEY

Alex Silagi
Assistant United States Attorney
Deputy Chief, Civil Division

970 Broad Street, Suite 700
Newark, NJ 07102
alex.silagi@usdoj.gov

main: (973) 645-2700
direct: (973) 353-6001
fax: (973) 297-2010

November 21, 2025

BY ECF

Hon. Evelyn Padin, U.S.D.J.
U.S. District Court for the District of New Jersey
50 Walnut Street
Newark, NJ 07102

**Re: *Goncalves Rufo v. Bondi*, No. 25-17418
Answer to § 2241 Petition**

Dear Judge Padin:

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 *Lomeu v. Lyons*, No. 25-16589 (EP), 2025 WL 2981296 (D.N.J. Oct. 23, 2025) and its memorandum order in *Moreira Da Silva v. LaForge*, No. 25-17095 (EP), ECF No. 6 (D.N.J. Nov. 13, 2025).

Respondents stipulate to the following facts asserted in the Petition. Petitioner is a native of Brazil. Pet. ¶ 1. He entered the United States in January 2016 without inspection. *Id.* ¶ 25 & Pet. Ex. C, Order of Immigration Judge at PageID: 37. On November 13, 2025, ICE officers arrested Petitioner after he attended an ICE check-in. *Id.* ¶ 2, 28. ICE has detained Petitioner since November 13, 2025. *Id.* Petitioner is in ICE detention without bond pursuant to DHS’s interpretation of “applicants 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). *Id.* ¶¶ 3. 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 ¶¶ 2-3.

ICE contends, as it did in *Lomeu*, 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 *Lomeu v. Lyons*, Civ. No. 25-16589 (EP), ECF No. 7, Gov’ts’ Br. at 9-18 (citing *Matter of Yajure Hurtado*). ICE also contends

that the only remedy, if the Court finds § 1225 does not apply, is a bond hearing under § 1226(a) not immediate release. *See id.*

In *Lomeu*, the Court ruled that the detention was improper under § 1225(b)(2) and ordered immediate release. The Court sided with the courts around the country that have concluded that § 1225(b)(2) applied 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 *Lomeu*, and this Petition asserts the same relevant facts as those in *Lomeu*. 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 *Lomeu*.¹

We thank the Court for its attention to this matter.

Respectfully submitted,

TODD BLANCHE
U.S. Deputy Attorney General

ALINA HABBA
Acting United States Attorney
Special Attorney

By: s/ Alex Silagi
ALEX D. SILAGI
Assistant United States Attorney
Deputy Chief, Civil Division
Attorneys for Respondents

cc: Counsel of record (by ECF)

¹ In recent matters, the Court has summarily adjudicated § 1225(b)(2) habeas matters without requiring a formal answer because Respondents stipulated to material facts and 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).