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BY ECF

Honorable Claire C. Cecchi, U.S.D.J.
Martin Luther King Jr. Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 0710

**Re: *De Freitas v. Noem*, No. 25-17487
Answer to § 2241 Petition**

Dear Judge Cecchi:

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 decisions concerning § 1225(b)(2) detention.¹ Moreover, this Office has submitted briefing on the § 1225(b)(2) issue to Your Honor in *Vasquez-Salazar v. Bondi*, No. 25-17195 (CCC), ECF 4, Resps.’ Ans. (D.N.J. Nov. 14, 2025), and *Yauripoma v. Tsoukaris*, Civ. No 25-16820, (D.N.J. December 4, 2025), both of which are currently pending. Respondents’ legal position in the instant matter on the § 1225(b)(2) issue is identical to their position in the earlier-filed *Vasquez-Salazar* and *Yauripoma* matters. Respondents accordingly incorporate them by reference.

Petitioner is a native of Brazil. See Exhibit A, Notice to Appear. Petitioner claims he has resided in the United States “for several years since his last entry.” Pet. ¶ 22. On November 7, 2025, Petitioner was arrested in Massachusetts by ICE and is currently detained in Delaney Hall Detention Center. *Id.* ¶¶ 1, 2, 4, 9.

¹ See, e.g., *Ayala Amaya v. Bondi*, No. 25-16427 (ESK), 2025 WL 3033880 (D.N.J. Oct. 30, 2025); *Smit Patel v. Almodovar*, No. 25-15345 (SDW), 2025 WL 3012323 (D.N.J. Oct. 28, 2025); *Lomeu v. Lyons*, No. 25-16589 (EP), 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Contreras Maldonado v. Cabezas*, No. 25-13004 (JKS), 2025 WL 2985256, at *2 (D.N.J. Oct. 23, 2025); *Soto v. Soto*, No. 25-16200 (CPO), 2025 WL 2976572 (D.N.J. Oct. 22, 2025); *Castillo v. Lyons*, No. 25-16219 (MEF), 2025 WL 2940990 (D.N.J. Oct. 10, 2025); *Rivera Zumba v. Bondi*, No. 25-14626 (KSH), 2025 WL 2753496 (D.N.J. Sept. 26, 2025).

Petitioner is in ICE detention without bond pursuant to the U.S. Department of Homeland's interpretation of "applicants for admission" under § 1225(b)(2) and the Board of Immigration Appeals' ("BIA") recent decisions *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) and *Matter of Q. Li.*, 29 I&N Dec. 66 (BIA 2025). 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). Pet. Prayer for Relief ¶¶ a-f. Petitioner was detained in New Jersey when he filed the Petition. *Id.* ¶ 38.

ICE contends, as it did in all other cases involving § 1225(b)(2) detention in this District, 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. Accordingly, Petitioner is an "applicant for admission," who is not entitled to a bond hearing. *See Vasquez-Salazar*, No. 2:25-cv-17195 (CCC), ECF 4, Resps.' Ans., at 8-13 (citing *Matter of Yajure Hurtado*). Respondents further 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.* Although some Courts in this District have ordered immediate release, more recently they have ordered a bond hearing under § 1226(a). *See, e.g., Vicens-Marquez v. Soto*, No. 25-16906 (KSH), ECF 15 (D.N.J.).

Here, Respondents acknowledge that their answer to this Petition relies on the same statutory arguments made in *Rivera Zumba* and reiterated in *Vasquez-Salazar*, and this Petition asserts the same relevant facts as in those petitions. 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 *Vasquez-Salazar*.²

We thank the Court for its attention to this matter.

Respectfully submitted,

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U.S. Deputy Attorney General

JORDAN FOX
Chief of Staff & Associate Deputy

² 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 Ortega Alvarez v. Bondi*, No. 25-17401 (MEF), ECF 4 (D.N.J. Nov. 14, 2025) (ordering relief without answer); *Moreira Da Silva v. LaForge*, No. 25-17095 (EP), ECF 6 (D.N.J. Nov. 13, 2025) (ordering bond hearing without answer); *Vicens-Marquez v. Soto*, No. 25-16906 (KSH), ECF 15 (same).

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