



**U.S. Department of Justice**

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December 9, 2025

**BY ECF**

Honorable Madeline Cox Arleo, U.S.D.J.  
United States District Court District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street Newark, NJ 07102

**Re: *Martinez v. Bondi, et al.*, No. 25-17572  
Answer to § 2241 Petition**

Dear Judge Arleo:

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 *Vasquez Lucero v. Bondi*, No. 25-16737(MCA), ECF No. 7 (D.N.J. Nov. 20, 2025).

Petitioner is a native of Guatemala. Pet. ¶ 1. On November 11, 2025, ICE officers arrested Petitioner at his house. *Id.* Petitioner is in ICE detention without bond pursuant to ICE’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). 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). *See* Pet., Prayer for Relief ¶¶ 1-3. Petitioner was detained in New Jersey when he filed the Petition on November 14, 2025. *Id.* ¶¶ 1,2, 8 and 10.

ICE contends, as it did in *Vasquez Lucero*, 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 Vasquez Lucero v. Bondi*, No. 25-16737(MCA), ECF 5, Resps.’ Br. At 11-14 (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 *Vasquez Lucero*, the Court ruled that petitioner be detained under 8 U.S.C. § 1226(a), and that an individualized bond hearing before an immigration judge be

provided. Here, Respondents acknowledge that their answer to this Petition relies on the same statutory arguments made in *Vasquez Lucero*, and this Petition asserts the same relevant facts as those in *Vasquez Lucero*. 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 Lucero*.<sup>1</sup>

We thank the Court for its attention to this matter.

Respectfully submitted,

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*Attorneys for Respondents*

cc: Counsel of record (ECF)

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<sup>1</sup> 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).