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BY ECF

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

**Re: *Chalco Yunga v. Bondi*, No. 25-18147
Update Regarding Bond Hearing**

Dear Judge Kiel:

This Office represents Respondents in this habeas matter. We write in response to the Court's December 10 Text Order, ECF No. 6, directing Respondents to show cause why Petitioner did not receive a bond hearing by 5 p.m. that day. Respondents apologize sincerely for their inability to have the immigration court schedule a bond hearing by December 10 at 5 p.m. Respondents respectfully submit that good cause exists for the inadvertent noncompliance with the Text Order.

On Saturday, December 6, 2025, the Court issued a Text Order directing Respondents to facilitate Petitioner receiving a bond hearing in immigration court no later than 5 p.m. on December 10, 2025. ECF No. 3. On Monday, December 8, 2025, this Office notified ICE of the Text Order. Although the pleadings identified the Petitioner by name, ICE could not identify Petitioner's Alien Number—a unique seven-, eight- or nine-digit number that the Department of Homeland Security assigned to an alien.¹ On Monday, December 8, 2025, at 5:28 p.m., counsel for Petitioner emailed this Office to request that “preferably, a bond hearing be scheduled for Wednesday, 12/10, not tomorrow, 12/09.” When ICE obtained the Alien Number from this Office, ICE promptly reviewed Petitioner's immigration records to confirm that his detention fell under the § 1225(b)(2) analysis in *Bethancourt-Soto*. On Tuesday, December 9 around 10 a.m., ICE confirmed that Petitioner's detention

¹ Petitioner has also indicated that his counsel contacted the immigration court directly to request the bond hearing on Monday, December 8. ECF No. 5 at 1 (noting counsel “diligent efforts, including filing the Court's order with the immigration court on Monday”).

did fall under *Bethancourt-Soto*, and ICE promptly contacted the immigration court to request that it expeditiously schedule a bond hearing before the December 10th 5 p.m. deadline.

Although ICE requested an expedited hearing from the immigration court, the immigration court controls the scheduling of bond hearings. As an agency within the Department of Homeland Security, ICE does not schedule bond hearings. The Executive Office of Immigration Review (“EOIR”), an agency within the Department of Justice that encompasses the nation’s immigration courts and the Board of Immigration Appeals, is responsible for scheduling bond hearings. *See* EOIR, Immigration Court Practice Manual ch. 9.1 (citing 8 C.F.R. § 1003.19).² Generally, the immigration courts under EOIR set bond hearings and then provide notice to both the detainee and to ICE of the date and time. *Id.*, ch. 9.3 (citing 8 C.F.R. §§ 1003.17(a), 1003.19, 1236.1). To avoid prejudicing the parties, the immigration courts generally seek to allow some period for the parties to prepare, as a custody redetermination can raise fact-intensive issues around a detainee’s flight risk and danger to the community that may call for evidence. *Id.*

Here, EOIR contacted ICE on Wednesday, December 10, the day the bond hearing was due under this Court’s Order, stating that EOIR could not schedule the bond hearing that day but was able to schedule the hearing for early the next day, December 11. ICE has informed this Office that the bond hearing occurred today as scheduled, and the Immigration Judge granted Petitioner’s request for release under bond of \$5,000. *See* Ex. 1, Order of the Immigration Judge dated Dec. 11, 2025. DHS waived appeal of the decision.

Accordingly, Respondents respectfully submit that the Petitioner not receiving a bond hearing by December 10 occurred despite Respondents’ best efforts to comply with the Court’s Text Order, and even though Petitioner graciously notified the immigration court himself. Further, Petitioner did receive a bond hearing as promptly as the immigration court indicated it could schedule one.

Lastly, as to Petitioner’s request for immediate release, Respondents respectfully submit that the inadvertent delay in receiving a bond hearing, the prompt scheduling of the bond hearing the next morning, and the immigration court granting release under bond, constitute circumstances that do not warrant the extraordinary remedy of immediate release.

We thank the Court for its attention to this matter.

² *See* <https://www.justice.gov/eoir/reference-materials/ic> (last visited Nov. 13, 2025).

Respectfully submitted,

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