



U.S. Department of Justice

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December 18, 2025

Via Electronic Filing

Hon. Renée Marie Bumb, C.U.S.D.J.
United States District Court, D.N.J.
Mitchell H. Cohen Building
& U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

**Re: *Muralles v. Rokosky*, No. 25-cv-18208 (RMB)
Answer to § 2241 Petition**

Dear Chief Judge Bumb:

This Office represents Respondents in the above-referenced habeas matter filed by a noncitizen challenging the legality of his detention by U.S. Immigration and Customs Enforcement (“ICE”) pursuant to 8 U.S.C. § 1225(b)(2). We respectfully submit this letter response in light of the Court’s decision in *Marca Lemu v. Soto*, No. 25-cv-17098 (RMB), 2025 WL 3470298 (D.N.J. Dec. 3, 2025).

I. Background

In 2004, Petitioner, a 39-year-old citizen and native of Guatemala, entered the United States without being inspected, admitted, or paroled. Pet. ¶ 5, ECF No. 1. Ex. 1 at 3 (Nov. 26, 2025 Form I-213). On November 26, 2025, immigration officials arrested Petitioner and detained him at Metropolitan Detention Center Brooklyn, New York, before transferring him to the Elizabeth Contract Detention Facility in Elizabeth, New Jersey, on November 30, 2025. Pet. Ex. B, ECF No. 1-3 at 5; Pet. Ex. A, ECF No. 1-2 at 2; Ex. 1 at 2 (Nov. 26, 2025 Form I-213).¹ On that same date,

¹ As addressed in Respondents’ previous filings, on December 9, 2025, Petitioner was mistakenly transferred outside of New Jersey due to this Office’s administrative error. As soon as the error surfaced, ICE began taking steps to return Petitioner to New Jersey, and Petitioner was returned to New Jersey and detained in the Elizabeth Contract Detention Facility on December 16, 2025. See Resp’ts’ Letters, ECF Nos. 6,

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Petitioner was issued a Notice to Appear charging him with removability under Immigration and Nationality Act (“INA”) § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), for being present in the United States without admission or parole. Ex. 2 at 1 (Nov. 26, 2025 Notice to Appear). The Notice to Appear was filed with the immigration court that same day, thereby initiating full removal proceedings under 8 U.S.C. § 1229a. *Id.*

II. Petitioner Is An “Applicant for Admission” Subject to Mandatory Detention under § 1225(b)(2)

Respondents contend, as they did in *Marca Lemu* and other recent cases involving § 1225(b)(2) detention in this District, that Petitioner’s detention is governed by § 1225(b)(2) because he is an alien who unlawfully entered the United States without inspection or admission who was later detained by immigration authorities in the interior of the country. Accordingly, Petitioner is an “applicant for admission” who is not entitled to a bond hearing. *See Marca Lemu*, No. 25-cv-17098 (RMB) (D.N.J. Nov. 14, 2025), Resp’t’s Answer at 7-13 (ECF No. 7). Respondents further contend that the only remedy, if the Court finds that § 1225 does not apply, is a bond hearing under § 1226(a), not immediate release. *See id.* at 13 n.8.

In *Marca Lemu*, the Court ruled that the petitioner was “not lawfully detained under § 1225(b)(2)(A)[] but may be detained under § 1226(a)[.]” and ordered respondents to provide the petitioner a bond hearing. *Marca Lemu*, 2025 WL 3470298, at *3. In doing so, this Court agreed with the many courts around the country that have rejected the U.S. Department of Homeland Security’s interpretation of § 1225(b)(2). *Id.*

Here, Respondents acknowledge that their answer to this Petition relies on substantially similar statutory arguments to those made in *Marca Lemu*, and this Petition asserts substantially similar relevant facts to those in *Marca Lemu*. Given the similar issues, the importance of resolving the Petition expeditiously, and the value in preserving the Court’s and the parties’ resources, Respondents incorporate by reference their position in *Marca Lemu*.² Respondents continue to respectfully

8-11; Text Order, ECF No. 7 (ordering Respondents to file daily updates regarding their efforts to return Petitioner to New Jersey).

² In recent matters, courts in this District have summarily adjudicated § 1225(b)(2) habeas matters without requiring a formal answer because Respondents stipulated to the material facts and legal issues. *See Moreira Da Silva v. LaForge*, No. 25-cv-

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assert that position before this Court in the absence of precedential authority to the contrary from the Third Circuit Court of Appeals. *See Rivera Zumba v. U.S. Attorney Gen.*, No. 25-3328 (3d Cir. Dec. 2, 2025) (appeal filed).

Should Your Honor have any questions or concerns, please do not hesitate to contact this Office. Thank you very much for your consideration of this matter.

Respectfully submitted,

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Encls.

17095 (EP) (D.N.J. Nov. 13, 2025), ECF No. 6 (ordering bond hearing following status conference); *Vicens-Marquez v. Soto*, No. 25-cv-16906 (KSH) (D.N.J. Nov. 6, 2025), ECF No. 15 (Mem. & Order) (same).