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BY ECF

The Honorable Renée Marie Bumb, C.U.S.D.J.
U.S. District Court for the District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

**Re: *Muralles v. Rokosky*, No. 1:25-cv-18208
Reply to Respondents' Answer to Petition for Writ of Habeas Corpus**

Dear Chief Judge Bumb:

We write to reply to Respondents' Answer to Petitioner's Habeas Petition.

I. BACKGROUND

Petitioner Edwin Gamaliel Muralles (hereinafter "Edwin") is a 39-year-old Guatemalan national who is in the custody of DHS, ICE and is currently detained at Elizabeth Contract Detention Facility ("ECDF"). Prior to his detention, Edwin had lived peacefully with his family for over twenty years in New York state since his only entry in 2004. Edwin is married to a United States citizen and together they have two United States citizen daughters, [REDACTED] age nine and [REDACTED] age four. Edwin has no criminal history or history of violence and is not a danger to society. He is neither a danger nor a flight risk.

DHS arrested Edwin pursuant to an I-200 Warrant of Arrest on November 26, 2025 and detained him at Metropolitan Detention Center Brooklyn before transferring him to ECDF. Resp'ts' Ex. 1, Form I-231, ECF No. 12. Edwin has no criminal history. *Id.* On November 30, 2025, DHS ICE transferred Edwin to ECDF. Pet'r's Ex. A, ECF No. 1. The instant Petition for Writ of Habeas Corpus was filed with this Honorable Court on December 5, 2025. ECF No. 1.

Petitioner filed a Motion for Order to Show Cause and Motion for Temporary Restraining Order on December 5, 2025. ECF Nos. 2, 3.

On December 8, 2025, the Court issued an Order to Answer that enjoined Respondents from transferring Edwin from New Jersey during the pendency of this proceeding. On December 9, 2025, DHS ICE transferred Edwin to Port Isabel Service Processing Center in Los Fresnos, Texas, and then to the Central Louisiana Processing Center in Jena, Louisiana, in violation of this Court's order. Letter from Resp'ts, ECF No. 6. This Court issued an order on December 13, 2025 requiring Respondents to update the Court on Edwin's location. ECF No. 7. ICE began transferring Edwin back to New Jersey from Central Louisiana Processing Center on December 14, 2025. Resp'ts' Letter, ECF No. 8. Edwin remained at Central Louisiana Processing Center because his flight was cancelled due to weather on December 15, 2025. Resp'ts' Letter, ECF No. 9. ICE returned Edwin to ECDF on December 16, 2025. ECF Nos. 10, 11. ICE's official record of transfer Form I-830 incorrectly states that Edwin was transferred on December 14, 2025 rather than December 16, 2025. ECF No. 11, Ex. 1. Edwin has been detained by Respondents for twenty-three days to date.

II. SECTION 1225(b)(2) IS NOT APPLICABLE IN THIS MATTER, SECTION 1226 GOVERNS THE DETENTION OF RESIDENTS LIKE EDWIN

Petitioner agrees that the statutory arguments and relevant facts are substantially similar to those in *Marca Lemu*, No. 25-cv-17098 (D.N.J. Nov. 14, 2025). As Your Honor has rejected the same arguments made by Respondents in *Marca Lemu*, Petitioner respectfully requests you order his immediate release.

The text, structure, and purpose of the INA all support Petitioner's argument that § 1226(a) governs his detention, not § 1225(b)(2). Section 1225's plain text shows that it is focused on inspecting people who are arriving or have just entered the United States. *See generally* 8 U.S.C. § 1225(a)-(b), (d). Even the title of § 1225 refers to the "inspection" of "inadmissible arriving" noncitizens. (emphasis added). *Cf. Dubin v. United States*, 599 U.S. 110, 120-21 (2023) (relying on section title to help construe statute). By its own text, § 1225, read as a whole, makes clear that it is intended to apply to recent arrivals at or near the U.S. border.

Edwin, of course, had been living in the United States with his family for over twenty years. Edwin was not “seeking admission” when he was detained by DHS ICE.

While Respondents rely on the BIA’s interpretation of § 1225(b) in *Matter of Yajure Hurtado*, some more than 280 district courts have rejected the government’s new interpretation of the interplay between § 1226(a) and § 1225(b)(2), including many within New Jersey and Pennsylvania. *See e.g., Polat v. Soto, et al.*, No. 2:25-cv-16893 (D.N.J. Dec. 17, 2025); *Bethancourt Soto v. Soto, et al.*, No. 25-16200, 2025 WL 2976572 (D.N.J. Oct. 22, 2025); *Zumba v. Bondi*, No. 25-14626, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Lomeu v. Soto, et al.*, No. 25-16589, 2025 WL 2981296, at *8 (D.N.J. Oct. 23, 2025); *del Cid v. Bondi*, No. 25-00304, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025); *see also Mugliza Castillo v. Lyons*, No. 25-16219, 2025 WL 2940990 (D.N.J. Oct. 10, 2025); *Buestan v. Chu*, No. 25-16034, 2025 WL 2972252, at *1 (D.N.J. Oct. 21, 2025). Edwin is not lawfully detained under § 1225(b)(2), but rather under § 1226(a). Under § 1226(a) he may be released.

III. CONDITIONS OF TRANSFER AND DETENTION

We would also like to inform the Court about the appalling conditions of Edwin’s transfer and detention. In support of our request for Petitioner’s immediate release, we attach an affidavit provided by Petitioner’s immigration attorney, Yvette Aguiar. *See Ex. 1, Affidavit of Yvette Aguiar, Petitioner’s Immigration Counsel, dated Dec. 19, 2025.* Petitioner describes his transfer from Elizabeth to Texas to Louisiana and back to New Jersey as “dehumanizing.” Employees of these facilities subjected Petitioner and other detainees to extreme weather, heat stroke, and deprived them of water. Petitioner and fellow detainees were held on a bus in Texas overnight in Texas in extreme heat, cuffed the entire time and consequently could urinate but not defecate or properly clean themselves. An officer overseeing the “transfer” behaved aggressively and refused to provide medical attention to detainees suffering from heatstroke. Officers of these detention centers repeatedly referred to detainees as “bodies.”

“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also id.* at 718 (Kennedy, J., dissenting) (“Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or

detention.”). As Ms. Aguiar’s affidavit details, Edwin’s treatment in detention has far surpassed unlawful detention and arbitrary personal restraint. His due process rights continue to be violated every day he remains in Respondents’ custody. Edwin has suffered twenty-three days of inhumane treatment and arbitrary detention at the hands of Respondents.

“Habeas relief cannot fully remedy the indignities associated with DHS’s unexplained interstate transfer or the opacity surrounding Petitioner’s current location. *See Muhammed v. Close*, 540 U.S. 749, 750 (2004). But the writ’s flexibility allows the Court to restore Petitioner to the position he would have occupied had DHS adhered to the law. In light of Respondents’ failure to demonstrate a lawful basis for detention under § 1225(b), and consistent with the Court’s authority to “dispose of the matter as law and justice require,” 28 U.S.C. § 2243, immediate release is the appropriate remedy.” *Polat v. Soto et. al.*, No. 2:25-cv-16893 (D.N.J. Dec. 17, 2025) (Semper, J.).

Edwin, too, has suffered indignities at the hands of Respondents. We ask this Honorable Court to restore Edwin as close to the position he would have occupied had DHS adhered to the law as possible—we request you release him immediately. Having suffered through appalling treatment at the hands of DHS, it is not possible to restore Edwin to the person he was before his human dignity was violated, but we ask Your Honor do the next best thing—order his immediate release.

We thank the Court for its attention to this matter.

Respectfully submitted,
/s/Matthew J. Archambeault
Matthew J. Archambeault
Attorney for Petitioner

Cc: Counsel of Record (by ECF)