



U.S. Department of Justice

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January 14, 2026

Via ECF

Honorable Christine P. O'Hearn, U.S.D.J.
United States District Court
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

**Re: *Kumar v. Soto, et al.*, No. 26-00203
Expedited Answer to § 2241 Petition**

Dear Judge O'Hearn:

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 several decisions in § 1225(b)(2) cases.¹

The Court's January 12, 2026, Order, ECF No. 7, directs Respondents to serve an expedited answer which responds to the Petition paragraph by paragraph, along with a letter brief, justifying Petitioner's detention and supporting the justification with certified records. *See id.* ¶¶ (1)-(8). The Order also set a hearing for January 14, 2026, at which "Respondents shall produce at least one witness with personal

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). Respondents have filed a notice of appeal in *Rivera Zumba*, which would create binding precedent concerning the § 1225(b)(2) issue in this Circuit.

knowledge and/or institutional knowledge sufficient to testify competently regarding Petitioner's immigration proceedings and history thereof, as well as his detention history, the basis for his detention, and Respondents' efforts to effectuate removal." *Id.* at 2.

Upon receipt of the Order, this Office promptly notified ICE of the required information, and ICE informed this Office that they were working diligently to gather responsive documents. ICE has provided this Office with responsive documents under its custody or control, all of which are discussed below. And while ICE was able to identify a witness to appear, Respondents recognize that they have not satisfied the Court's Order in full, including by failing to provide a certification for this response. Respondents further recognize that the Order expressly gave Respondents notice that the failure to comply with the Order "shall result in an Order of immediate release without further notice or an opportunity to be heard." Respondents accordingly will be prepared to promptly release Petitioner upon order of the Court.

Nevertheless, Respondents respectfully offer the following explanation regarding Petitioner's detention and the attached documents in response to the Court's order. In addition, in accordance with the Court's Order, ECF No. 7 at 2, Respondents affix an Answer to the end of this letter brief which responds to the specific allegations, paragraph by paragraph, in the Petition. *See* Ex. A (Answer).

According to ICE, on January 8, 2026, ICE Enforcement and Removal Operations ("ERO") encountered petitioner during an enforcement operation. ERO arrested petitioner pursuant to an administrative arrest. Ans. Ex. B (2026 Form I-213) at 2; Ans. Ex. C (Form I-200).² Petitioner has not received a bond hearing since his arrest. Respondents have detained Petitioner without bond under 8 U.S.C. § 1225(b)(2), because, according to ICE records, Petitioner 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. *See* Ans. Ex. B (2026 Form I-213), at 2; Ans. Ex. D (NTA); Ans. Ex. E (2024 Form I-213). As such, he is an "applicant for admission" who is not entitled to a bond hearing. *See, e.g., Lomeu v. Lyons*, Civ. No. 25-16589 (EP), ECF No. 7, Respondents' Br. at 9-18 (citing *Matter of Yajure Hurtado*).

On September 2, 2024, Petitioner was encountered by U.S. Customs and Border Patrol ("CBP") after he unlawfully entered the United States. Ans. Ex. E (2024 Form I-213) at 2. Petitioner was served with a Notice to Appear and placed in removal proceedings. Ans. Ex. D (NTA). Those proceedings remain ongoing. Any applications for relief in that proceeding, including any asylum application, remain pending as

² ICE has provided this Office unsigned version of the Exhibits B and C. ICE has also provided this Office signed versions of the same documents, which we attach as Exhibit F.

well. According to ICE, on October 28, 2025, the immigration court issued a notice stating that the removal hearing scheduled for October 24, 2025, is cancelled and a new hearing notice will be issued. Ans. Ex. G (Notice of Cancellation of Immigration Hearing). The immigration court has not yet issued such a notice. There is no final order of removal against Petitioner.

Respondents contend, as they have in all prior § 1225(b)(2) matters in this District, that the Petitioner's detention is governed by § 1225(b)(2) because Petitioner 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, e.g., Lomeu v. Lyons*, Civ. No. 25-16589 (EP), ECF No. 7, Respondents' Br. at 9-18 (citing *Matter of Yajure Hurtado*). Respondents also contend that the only remedy, if the Court finds § 1225 does not apply, is a bond hearing under § 1226(a) not immediate release. *See id.*

Here, Respondents acknowledge that their answer to this Petition relies on the same statutory-interpretation arguments made in the prior § 1225(b)(2) matters, and this Petition asserts facts similar to those prior cases. Respondents accordingly submit this expedited answer given the similarity of issues, the importance of efficient resolution of this habeas petition, and the preservation of the Court's and the parties' resources.³

We thank the Court for its time and attention to this matter.

Respectfully submitted,

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³ In recent matters, the Court has summarily adjudicated § 1225(b)(2) habeas matters without requiring a formal answer because Respondents raised identical statutory-interpretation arguments and the petition raised similar material facts. *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).

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