



U.S. Department of Justice

United States Attorney's Office
District of New Jersey
Civil Division

Kevin J. Maggio
Assistant United States Attorney

401 Market Street, 4th Floor
P.O. Box 2098
Camden, NJ 08101

Main: (856) 757-5105
Direct: (973) 986-6708
kevin.maggio@usdoj.gov

January 21, 2026

Via Electronic Filing

Hon. Edward S. Kiel, U.S.D.J.
United States District Court
Mitchell H. Cohen Building
& U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

**Re: *Saavedra-Hernandez v. Bondi*, No. 26-cv-510 (ESK)
Expedited Answer to § 2241 Petition**

Dear Judge Kiel:

This Office represents Respondents in the above-referenced habeas matter filed by an alien 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 to the Petition (ECF No. 1) in light of the many recent decisions in this District in § 1225(b)(2) cases.¹

According to ICE records, Petitioner, a native and citizen of Venezuela, entered the United States at or near Eagle Pass, Texas, on or about August 15, 2022. Ex. 1 at 1 (Mar. 10, 2023 Notice to Appear); *see also* Pet ¶¶ 1-2. On November 30, 2025, ICE arrested Petitioner. Ex. 2 at 1 (Nov. 30, 2025 Form I-200); *see also* Pet. ¶ 9.

¹ See, e.g., *Marca Lemu v. Soto*, No. 25-cv-17098 (RMB), 2025 WL 3470298 (D.N.J. Dec. 3, 2025); *Perez v. Lyons*, No. 25-cv-17186 (ESK), 2025 WL 3238540 (D.N.J. Nov. 19, 2025); *Ayala Amaya v. Bondi*, No. 25-cv-16428-ESK, 2025 WL 3033880 (D.N.J. Oct. 30, 2025); *Patel v. Almodovar*, No. 25-cv-15345 (SDW), 2025 WL 3012323 (D.N.J. Oct. 28, 2025); *Lomeu v. Soto*, No. 25-cv-16589 (EP), 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Contreras Maldonado v. Cabezas*, No. 25-cv-13004 (JKS), 2025 WL 2985256 (D.N.J. Oct. 23, 2025); *Bethancourt Soto v. Soto*, No. 25-cv-16200 (CPO), 2025 WL 2976572 (D.N.J. Oct. 22, 2025); *Mugliza Castillo v. Lyons*, No. 25-cv-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), *appeal filed sub nom. Rivera Zumba v. U.S. Attorney Gen.*, No. 25-3328 (3d Cir. Dec. 2, 2025).

Hon. Edward S. Kiel, U.S.D.J.

January 21, 2026

Page 2

Since then, ICE has detained Petitioner without bond under 8 U.S.C. § 1225(b)(2) and the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Petitioner argues that his detention is unlawful. *See* Pet. ¶¶ 26-38.

Respondents respectfully contend, as they have in all prior § 1225(b)(2) matters in this District, that Petitioner's detention is governed by § 1225(b)(2) because he is an alien who entered without inspection or parole who was initially detained by immigration authorities in the interior of the country without having been lawfully admitted. Accordingly, Petitioner is an "applicant for admission" who is not entitled to a bond hearing. *See, e.g., De Fatima Lomeu v. Soto*, No. 25-cv-16589 (EP), Resp'ts' Br at 8-18 (ECF No. 7). Respondents also contend that the only remedy, if the Court finds § 1225 does not apply, is a bond hearing under § 1226(a) and not immediate release. *See id.* at 18 n.5. Respondents continue to respectfully assert this 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).

Here, Respondents acknowledge that their answer to this Petition relies on the same statutory-interpretation arguments made in the prior § 1225(b)(2) matters in this District, and this Petition asserts relevant facts substantially similar to those asserted in such matters. Accordingly, Respondents submit this expedited answer given the similar issues, as well as the importance of resolving the Petition expeditiously and preserving the Court's and the parties' resources.

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.

Hon. Edward S. Kiel, U.S.D.J.
January 21, 2026
Page 3

Respectfully submitted,

TODD BLANCHE
U.S. Deputy Attorney General

JORDAN FOX
Chief of Staff & Associate Deputy
Attorney General
Special Attorney

By: s/ Kevin J. Maggio
KEVIN J. MAGGIO
Assistant United States Attorney
Attorneys for Respondents

cc: All counsel of record (*via ECF*)

Encls.