U.S. Department of Justice

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

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BY ECF
Honorable Chief Judge Renée Marie Bumb
U.S. District Court for the District of New Jersey
Mitchell Cohen Building & U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, New Jersey 08101

Re: *Coelho v. Soto,* No. 26-5096 (RMB)
Expedited Answer to § 2241 Petition

Dear Chief Judge Bumb:

This Office represents Respondents in this habeas matter filed by a noncitizen challenging the legality of his detention by U.S. Immigration and Customs Enforcement ("ICE"). Petitioner asserts that he is detained without bond under 8 U.S.C. § 1225.

The Court should dismiss this petition because Petition is not detained under § 1225. Petitioner overstayed his B-2 tourist visa approximately five years ago. *See* Pet. ¶ 1. As a result, ICE has informed this Office that Petitioner is detained under 8 U.S.C. § 1226(a) and may request a bond hearing at any time. In fact, Petitioner concedes as much in his petition. Pet ¶ 3 ("Mr. Coelho is entitled to seek an individualized custody determination before the immigration court.." and Pet at 2 "Mr. Coelho is entitled to seek a bond hearing before the immigration court based upon his manner of entry. Undersigned counsel is actively preparing a comprehensive bond motion…") Accordingly, ICE considers Petitioner detained under § 1226(a) and he may request a bond hearing at any time, as he and his counsel are aware. Therefore, Respondents respectfully request that Your Honor dismiss this petition.

We thank the Court for its attention to this matter.

Respectfully submitted,

ROBERT FRAZER
United States Attorney

By: *s/ Margaret Ann Mahoney*
MARGARET ANN MAHONEY
Assistant United States Attorney
Attorneys for Respondents

cc: Counsel of record (by ECF)