



U.S. Department of Justice

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November 11, 2025

BY ECF

Hon. Jamel K. Semper, U.S.D.J.
U.S. District Court for the District of New Jersey
50 Walnut Street
Newark, NJ 07102

**Re: *Villacorta Perlera v. Noem*, No. 25-17122
Request for Conference or, Alternatively, Extension of Answer
Deadline**

Dear Judge Semper:

This Office represents Respondents in this habeas matter filed by a noncitizen challenging his detention by U.S. Immigration and Customs Enforcement (“ICE”) pursuant to 8 U.S.C. § 1225(b)(2). We write to respectfully request a teleconference to resolve this matter in light of the Court’s recent decision in *Contreras Maldonado v. Cabezas*, Civ. No. 25-13004, 2025 WL 2985256 (D.N.J. Oct. 23, 2025). In the alternative, due to time-sensitive deadlines in other habeas matters due the same day, we respectfully request a one-week extension of the deadline to answer the petition from November 12 to November 19. ECF No 2. Petitioner’s counsel consents to the teleconference and takes no position on the extension request.

ICE detained Petitioner on October 30, 2025. Pet. ¶ 2. He is detained without bond pursuant to ICE’s interpretation of “applicants for admission” under § 1225(b)(2) and the Board of Immigration Appeals’ (“BIA”) recent decision *Matter of Yajure Hurtado*, 29 I&N Dec. 215 (BIA 2025). Pet. ¶¶ 16-17. Petitioner argues his detention under § 1225(b)(2) is unlawful, and he seeks either immediate release or a bond hearing under § 1226(a). *Id.*, Prayer for Relief.

ICE contends, as it did in *Contreras Maldonado*, that the Petitioner’s detention is governed by 8 U.S.C. § 1225(b)(2) because he 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 Contreras Maldonado*, No. 25-13004 (JKS), ECF No. 26, Gov’ts’ Br. at 10-12 (citing *Matter of*

Yajure Hurtado). ICE also contends that the only remedy, if the Court finds § 1225 does not apply, is a bond hearing under § 1226(a) not immediate release. *See id.*

In several recent cases of this kind, courts in this district ruled that the detention was improper under § 1225(b)(2) and ordered habeas relief. *See, e.g., Contreras Maldonado v. Cabezas*, Civ. No. 25-13004-JKS (D.N.J.), ECF Nos. 37 (opinion), 38 (order); *Mugliza Castillo v. Lyons*, Civ. No. 25-16219-MEF (D.N.J.), ECF No. 11 (order). In its ruling in *Contreras Maldonado*, the Court sided with most district courts around the country that have concluded that § 1225(b)(2) applied exclusively to encounters at the border, while 1226(a) applies to aliens, like Petitioner, who were already present in the country, albeit unlawfully, at the time of their encounter with immigration authorities.

Given the similar legal issues with respect to detention authority and remedy, the parties respectfully request a brief teleconference with the Court on November 12, 13, or 14, at a time convenient to the Court, to address efficient resolution of this habeas petition and to preserve the Court's and the parties' resources.¹ Petitioner consents to this request for a teleconference. **Counsel are available as follows: Wednesday from 2 p.m. onward; Thursday from 11:30 to 2:00 p.m.; and Friday all day.**

Alternatively, Respondents respectfully request a one-week extension of the answer deadline from November 12 to November 19. Good cause exists for this request because this Office currently has responses to multiple other habeas petitions due on November 12, and we need additional time to prepare a full response to this petition. Furthermore, we respectfully suggest that the extension will not unduly prejudice Petitioner, who has been detained for less than two weeks at present. Petitioner takes no position on the extension request.

We thank the Court for its attention to this request.

TODD BLANCHE
U.S. Deputy Attorney General

ALINA HABBA
Acting United States Attorney
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¹ In at least one other case, where the presiding judge had already decided the § 1225(b)(2) issue in a prior habeas matter, the Court adjudicated the petition following a brief status conference without requiring a written answer. *See Vicens-Marquez v. Soto*, No. 25-16906 (KSH), ECF No. 15, Memorandum & Order granting writ.

By: /s/ John T. Stinson
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cc: Counsel of Record