

PAUL O'DWYER
ATTORNEY-AT-LAW

LAW OFFICE OF PAUL O'DWYER, P.C.
11 BROADWAY, SUITE 715
NEW YORK, NY 10004

PHONE: 646-230-7444

FAX: 646-230-7381

PAUL.ODWYER@PAULODWYERLAW.COM

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

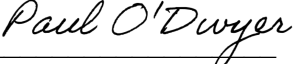
Re: Villacorta Perlera v. Noem, No. 25-17122

Dear Judge Semper:

I am counsel pro hac vice for Petitioner in the above matter, and I write further to Respondents' letter to the Court (ECF 5) requesting a conference with the Court. I fully concur with Respondents' request, given that the Court has already issued a ruling on one of the central issues in Petitioner's habeas petition, namely, whether someone detained in the interior of the country more than two years after entering is held, pending removal proceedings, pursuant to 8 U.S.C. § 1126(a) (as Petitioner contends) or § 1225(b) (as Respondents contend). The Court earlier answered this precise question in Respondent's favor, in its October 23, 2025 decision in *Contreras Maldonado v Cabelas*, Case No. 25-cv-13004, and the same conclusion would seem to be warranted here, where Petition was detained in the interior of the country well over ten years after first arriving in the US.

However, it is Petitioner's contention that there is currently no statutory authority whatsoever for his detention. Although he has been detained since October 30, almost two weeks ago, Petitioner has not been placed in removal proceedings, and 8 U.S.C. § 1226(a) only authorizes detention "pending a decision on whether the alien is to be removed from the United States." Thus, while § 1226(a) would govern his detention if placed in removal proceedings, Respondents have not placed him in removal proceedings, and so there is no statutory basis for his detention. (See Petition, ECF 1, Count 3, ¶¶ 33 – 35). In the absence of any statutory justification for his detention, Petitioner should be released from immigration custody forthwith.

Sincerely yours,



Paul O'Dwyer
Attorney for Petitioner pro hac vice