

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Marcio Andres Ruiz Perez v. Luis Soto, et al.

Civil Action No. 25-16871 (JXN) · No. Civil Action No. 25-16871 (JXN) · Decided December 18, 2025

SUMMARY

The United States District Court for the District of New Jersey granted Marcio Andres Ruiz Perez’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The Court held that his detention was governed by 8 U.S.C. § 1226(a), rather than mandatory detention under § 1225(b)(2), and ordered Respondents to provide an individualized bond hearing. The Court also denied without prejudice the pending motions to amend and for leave to appear pro hac vice and closed the case.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Julien Xavier Neals
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 18, 2025
DOCKET	Civil Action No. 25-16871 (JXN)
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from continued immigration detention without an individualized bond hearing. The District Court granted the petition and ordered Respondents to treat Petitioner as detained under 8 U.S.C. § 1226(a) and provide an individualized bond hearing.
PRECEDENTIAL VALUE	unpublished
PARTIES	Marcio Andres Ruiz Perez v. Luis Soto, et al.

TOPICS

- immigration detention
- federal habeas corpus
- statutory interpretation
- plain meaning rule
- removal proceedings

PRACTICE AREAS

- immigration detention
- federal habeas corpus
- immigration law

QUESTIONS PRESENTED

1. Whether a noncitizen who was arrested within the interior of the United States, rather than while seeking admission or arriving at the border, may be held in mandatory detention under 8 U.S.C. § 1225(b)(2).
2. Whether Petitioner was entitled to be treated as detained under the discretionary detention authority of 8 U.S.C. § 1226(a) and receive an individualized bond hearing.

HOLDINGS

1. A noncitizen arrested and detained within the interior of the United States who is not affirmatively seeking admission is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2); such detention is authorized under the discretionary authority of 8 U.S.C. § 1226(a).
2. Petitioner was entitled to an individualized bond hearing before an immigration judge under 8 U.S.C. § 1226(a), who must assess whether Petitioner presents a flight risk or danger to the community.

KEY QUOTATIONS

“The line historically drawn between these two sections . . . is that section 1225 governs detention of non-citizens ‘seeking admission into the country,’ whereas section 1226 governs detention of non-citizens ‘already in the country.’”

“The issue of whether Petitioner is properly detained under § 1225(b) or § 1226(a) is similar to that of many cases in this District and around the country.”

“The vast majority of courts confronting this precise issue have rejected Respondents’ interpretation, as well as the BIA’s interpretation in Hurtado, as contradictory to the plain text of § 1225.”

FACTUAL BACKGROUND

Petitioner, a Honduran citizen, entered the United States at an unknown time without valid immigration documents. ICE arrested him on October 22, 2025, and he remained detained thereafter. He had not received an individualized bond hearing because Respondents treated him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition challenging his detention under 8 U.S.C. § 1225(b)(2). The Court ordered Respondents to answer and prohibited transfer of Petitioner from the detention center. Respondents filed a letter response asserting the same statutory interpretation advanced in related cases. The Court granted the petition, denied Petitioner's motions without prejudice, ordered a bond hearing, and closed the case.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must treat Petitioner as detained under 8 U.S.C. § 1226(a) and provide an individualized bond hearing before an immigration judge as soon as practicable and no later than seven days after December 18, 2025. The immigration judge must assess flight risk and danger to the community. Respondents must file written notice of the hearing's outcome within three days after the hearing. The case was then closed.

CASES CITED

- Fuentes Velasquez v. Noem, No. 25-16797 (JXN)
- Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)
- Martinez v. Hyde, No. 25-cv-11613, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 288-89, 303 (2018)
- Lopez-Campos v. Raycraft, 2025 WL 2496379, at *8 (E.D. Mich. Aug. 29, 2025)
- Lopez Benitez v. Francis, No. 25-cv-5937, 2025 WL 2371588, at *4 (S.D.N.Y. Aug. 13, 2025)
- Soto, 2025 WL 2976572, at *7
- Belsai D.S. v. Bondi, No. 25-cv-3682, 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025)
- Zumba, 2025 WL 2753496, at *3
- Salazar v. Dedos, No. 25-cv-835, 2025 WL 2676729 (D.N.M. Sept. 17, 2025)
- Lepe v. Andrews, No. 25-cv-01163, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025)
- Roman v. Noem, No. 25-cv-01684, 2025 WL 2710211 (D. Nev. Sept. 23, 2025)
- Giron Reyes v. Lyons, No. 25-cv-4048, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025)
- Singh v. Lewis, No. 25-cv-0096, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025)
- Barrera v. Tindall, No. 25-cv-541, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025)
- Hasan v. Crawford, No. 25-cv-1408, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025)
- Vazquez v. Feeley, No. 2:25-cv-01542, 2025 WL 2676082 (D. Nev. Sept. 17, 2025)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 385 (2024)
- Decatur v. Paulding, 39 U.S. 497, 503 (1840)