

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Gustavo Marques Bezerra v. Pamela Bondi, et al.

Marques Bezerra v. Bondi · No. Civil Action No. 25-17360 (ZNQ) · Decided December 19, 2025

SUMMARY

The United States District Court for the District of New Jersey granted Gustavo Marques Bezerra’s habeas petition challenging his detention without a bond hearing. The court held that 8 U.S.C. § 1225(b) did not apply to his circumstances and ordered the Government to provide a bond hearing before an immigration judge under 8 U.S.C. § 1226(a) within seven days.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Zahid N. Quraishi
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	December 19, 2025
DOCKET	Civil Action No. 25-17360 (ZNQ)
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus challenging continued immigration detention without a bond hearing.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; precedential status unknown
PARTIES	Gustavo Marques Bezerra v. Pamela Bondi, et al.

TOPICS

- immigration detention
- removal proceedings
- statutory interpretation
- plain meaning rule
- civil procedure

PRACTICE AREAS

- immigration detention
- habeas corpus
- immigration statutory interpretation

QUESTIONS PRESENTED

- Whether 8 U.S.C. § 1225(b)(2) authorizes detention without a bond hearing of an alien who entered the United States without inspection or admission but remained in the country for an extended period before being arrested.

2. Whether Petitioner was entitled to a bond hearing under 8 U.S.C. § 1226(a).

HOLDINGS

1. Section 1225(b)(2) does not apply to an alien who entered and remained in the United States for an extended period without inspection or apprehension before being taken into custody.
2. Because Petitioner was not subject to detention under § 1225(b), his detention arose under § 1226(a), and he was entitled to a statutorily proper bond hearing before an immigration judge.

KEY QUOTATIONS

“the plain text of that statute does not apply to aliens who were taken into custody after entering and remaining in the United States for an extended period without inspection or apprehension.”

“this Court finds that his detention instead arises under § 1226(a) and that he is entitled to a bond hearing in accordance with the statute.”

FACTUAL BACKGROUND

Gustavo Marques Bezerra, a native and citizen of Brazil, entered the United States without inspection or admission in October 2021. He was arrested and placed in immigration custody on October 13, 2025, and the Government detained him without bond under its interpretation of 8 U.S.C. § 1225(b)(2), as expressed in *Matter of Hurtado*. His removal proceedings were ongoing, and he had filed several applications for relief from removal.

PROCEDURAL HISTORY

Petitioner filed a habeas petition challenging his detention under the Government's interpretation of 8 U.S.C. § 1225(b)(2). After the Court ordered an answer, the Government submitted a letter response and admitted that the case was indistinguishable from *Valerio v. Joyce*. The court granted the petition and ordered a bond hearing before an immigration judge within seven days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Government must provide Petitioner with a statutorily proper bond hearing under 8 U.S.C. § 1226(a) before an immigration judge within seven days.

CASES CITED

- *Matter of Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)
- *Valerio v. Joyce*, No. 25-17225, 2025 WL 3251445 (D.N.J. Nov. 21, 2025)
- *Aguilar Ramos v. Soto*, No. 25-15315, 2025 WL 3251447 (D.N.J. Nov. 21, 2025)
- *Bethancourt Soto v. Soto*, 2025 WL 2976572, at *6-7 (D.N.J. Oct. 22, 2025)

- Igor Borbot v. Warden Hudson County Correctional Facility, Borbot v. Warden Hudson County Correctional Facility, 906 F.3d 274, 278-79 (3d Cir. 2018)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY GUSTAVO MARQUES BEZERRA, Civil Action No. 25-17360 (ZNQ) Petitioner, v. MEMORANDUM OPINION PAMELA BONDI, et al., Respondents. QURAISHI, District Judge This matter comes before the Court on Petitioner Gustavo Marques Bezerra's petition for a writ of habeas corpus. (ECF No. 1.) Following an order to answer, the Government filed a letter response.

(ECF No. 4.) For the following reasons, Petitioner's habeas petition is granted, and Petitioner shall be afforded a bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) within seven days. By way of background, Petitioner is a native and citizen of Brazil who entered the United States without being inspected or admitted in October 2021. (ECF No. 1 at 4.)

On October 13, 2025, he was arrested and taken into immigration custody, where the Government is detaining him without bond pursuant to its interpretation of 8 U.S.C. § 1225(b)(2) as expressed in the Board of Immigration Appeals decision in *Matter of Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). (ECF No. 1 at 4.) Petitioner's removal proceedings are ongoing, and he has filed several applications for relief from removal.

(Id. at 4-6.) Petitioner contends in his habeas petition that his continued detention without the possibility of a bond hearing is unlawful. (Id.) Since the Government's adoption of its current interpretation of § 1225(b), the courts in this district have unanimously found that the plain text of that statute does not apply to aliens who were taken into custody after entering and remaining in the United States for an extended period without inspection or apprehension.

See, e.g., *Valerio v. Joyce*, No. 25-17225, 2025 WL 3251445 (D.N.J. Nov. 21, 2025); *Aguilar Ramos v. Soto*, No. 25-15315, 2025 WL 3251447 (D.N.J. Nov. 21, 2025); *Bethancourt Soto v. Soto*, --- F.3d ---, ---, 2025 WL 2976572, at *6-7 (D.N.J. Oct. 22, 2025) (collecting cases).

As this Court explained in *Valerio*, the Government instead has authority to detain such aliens, including Petitioner, only pursuant to 8 U.S.C. § 1226(a), under which detainees are entitled to a bond hearing in which they can secure release by showing by a preponderance of the evidence that they are neither a danger nor a flight risk. *Valerio*, 2025 WL 3251445 at *3-4; *Aguilar Ramos*, 2025 WL 3251447 at *1; See also *Borbot v. Warden Hudson Cnty.*

Corr. Facility, 906 F.3d 274, 278-79 (3d Cir. 2018). As the Government admits in its letter response that this matter is indistinguishable from the facts this Court considered in reaching its conclusion in *Valerio*, (see ECF No. 4 at 1-2), and as Petitioner is clearly not subject to detention under § 1225(b), this Court finds that his detention instead arises under § 1226(a) and that he is entitled to a bond hearing in accordance with the statute.

Petitioner's habeas petition (ECF No. 1) shall therefore be granted, and the Government shall provide Petitioner with a statutorily proper bond hearing under 8 U.S.C. § 1226(a) before an immigration judge within seven days. An order consistent with this Memorandum Opinion will be entered. Date: December 19, 2025 s/ Zahid N. Quraishi ZAHID N. QURAISHI UNITED STATES DISTRICT JUDGE