

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Moises Jose v. Luis Soto, et al.

Jose v. Soto · No. No. 26-cv-02394-ESK · Decided March 7, 2026

SUMMARY

The United States District Court for the District of New Jersey issued an Order to Answer and Show Cause in Moises Jose’s habeas corpus petition under 28 U.S.C. § 2241. The Court directed the government to provide an expedited, paragraph-by-paragraph response addressing the statutory basis for detention, procedural due process, removal proceedings, bond, and related records. The Court also required an inventory and preservation of the petitioner’s property and prohibited transferring the petitioner outside New Jersey pending further order.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Edward S. Kiel
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	March 7, 2026
DOCKET	No. 26-cv-02394-ESK
DISPOSITION	other
PROCEDURAL POSTURE	Pro se petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention. The court issued an expedited order directing respondents to answer and show cause regarding the statutory basis for detention, due process provided, removal proceedings, bond proceedings, and related records.
PRECEDENTIAL VALUE	Unknown; interlocutory district court order
PARTIES	Moises Jose v. Luis Soto, et al.

TOPICS

- immigration detention
- federal habeas corpus
- procedural due process
- removal proceedings
- immigration

PRACTICE AREAS

- immigration detention
- federal habeas corpus
- removal proceedings
- procedural due process

QUESTIONS PRESENTED

1. Whether respondents must identify and substantiate the statutory or other legal authority for Jose's detention.
2. What procedural due process was provided to Jose before detention and whether any bond hearing was fundamentally fair.
3. Whether respondents must provide information concerning any final order of removal, efforts to effectuate removal, changed circumstances, immigration proceedings, and asserted criminal history.
4. Whether the court should preserve Jose's location in New Jersey and access to counsel during the expedited habeas proceedings.

HOLDINGS

1. The court ordered respondents to file an expedited, paragraph-by-paragraph answer and legal memorandum addressing the specific authority for Jose's detention, the process afforded before detention, the status of removal and immigration proceedings, any bond hearing, alleged changed circumstances, affirmative defenses, and supporting documents and certifications.
2. Pending further order, Jose must remain in New Jersey and may not be transferred outside the state.

KEY QUOTATIONS

“The Constitution does not permit the United States Government to target people on the streets, arrest them without serving any papers, deny them meaningful due process, and detain them for arbitrary or indefinite periods of time while they engage in phishing expeditions to justify the arrests.”

“Petitioner’s arrest and detention were blatantly unlawful from the start, the only commensurate and appropriate equitable remedy to even partially restore [Petitioner] is to immediate[ly] release [her] and enjoin the Government from further similar transgressions.”

FACTUAL BACKGROUND

Moises Jose is a citizen of Angola who was initially detained at the border in March 2022 and then released under an alternatives-to-detention program. The Department of Homeland Security detained Jose at a routine check-in on November 7, 2025. The court stated that the legal authority for the detention was unclear and potentially dubious, particularly in light of authority requiring certain noncitizens apprehended inside the United States after extended residence to be detained under 8 U.S.C. § 1226 with an opportunity to seek bond.

PROCEDURAL HISTORY

Moises Jose filed a § 2241 habeas petition challenging detention by the Department of Homeland Security and Immigration and Customs Enforcement. The district court had not resolved the merits of the petition; instead, it ordered respondents to file an expedited, document-supported answer by March 10, 2026, preserve the petitioner's property, and keep the petitioner in New Jersey pending further order.

DISPOSITION

other

CASES CITED

- Ayala Amaya v. Bondi, No. 25-cv-16428, 2025 WL 3033880 (D.N.J. Oct. 30, 2025)
- Martinez v. McAleenan, 385 F. Supp. 3d 349 (S.D.N.Y. 2019)
- Lopez Benitez v. Francis, 795 F. Supp. 3d 475 (S.D.N.Y. 2025)
- Arias Gudino v. Lowe, 785 F. Supp. 3d 27 (M.D. Pa. 2025)

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