

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Mamadou Kaly Bah v. Luis Soto, et al.

Kaly Bah · No. 25-cv-17337-ESK · Decided November 26, 2025

SUMMARY

The United States District Court for the District of New Jersey granted Mamadou Kaly Bah’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 and his motion for an order to show cause. The court held that detention under 8 U.S.C. § 1225(b)(2) was improper for a noncitizen arrested within the United States and ordered respondents to treat Bah as detained under § 1226(a) and provide an individualized bond hearing.

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	November 26, 2025
DOCKET	25-cv-17337-ESK
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 and an order to show cause, challenging his detention by immigration authorities without a bond hearing.
PRECEDENTIAL VALUE	unknown
PARTIES	Mamadou Kaly Bah v. Luis Soto, et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- statutory interpretation
- immigration

PRACTICE AREAS

- immigration detention
- federal habeas corpus
- immigration
- statutory interpretation

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2) authorizes mandatory detention without a bond hearing for a noncitizen who was already present in the United States when immigration authorities arrested him.

2. Whether Bah must instead be treated as detained under 8 U.S.C. § 1226(a) and provided an individualized bond hearing.

HOLDINGS

1. Mandatory detention under 8 U.S.C. § 1225(b)(2) applies exclusively to encounters at or near the border and does not govern a noncitizen who was already present in the United States when arrested by immigration authorities.
2. Because Bah was unlawfully detained under § 1225(b)(2), respondents must treat him as detained under § 1226(a) and provide him with an individualized bond hearing before an immigration judge.

KEY QUOTATIONS

“I concluded in Ayala Amaya that mandatory detention under § 1225(b)(2) applied exclusively to encounters at or near the border, while discretionary detention under 8 U.S.C. § 1226(a) applies to noncitizens, like petitioner, who were already present in the country, albeit unlawfully, at the time of their arrest by immigration authorities under § 1226(a).”

“Respondents are ordered to treat petitioner as detained under § 1226(a) and provide him with an individualized bond hearing.”

FACTUAL BACKGROUND

Bah entered the United States without inspection in 2024. ICE arrested him on October 23, 2025, and detained him without bond. Respondents stipulated that the detention was based on treating Bah as an applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2), although he was already present in the country when arrested.

PROCEDURAL HISTORY

Mamadou Kaly Bah filed a § 2241 petition and motion for an order to show cause. Respondents filed a letter brief stipulating that Bah entered the United States without inspection in 2024, was arrested by ICE on October 23, 2025, and was detained without bond under the Department of Homeland Security's interpretation of 8 U.S.C. § 1225(b)(2) and Matter of Yajure Hurtado. Relying on its recent decision in *Ayala Amaya v. Bondi*, the court granted the petition and motion and ordered respondents to treat Bah as detained under § 1226(a) and provide an individualized bond hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents shall treat Bah as detained under 8 U.S.C. § 1226(a) and provide him with an individualized bond hearing before an immigration judge. Respondents must file a docket letter within seven days stating whether the hearing occurred, or, if it did not, providing a detailed explanation.

CASES CITED

- Matter of Yajure Hurtado, 29 I&N Dec. 215 (BIA 2025)
- Ayala Amaya v. Bondi, 2025 WL 3033880 (D.N.J. Oct. 30, 2025)

OPINION

SOTO

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

MAMADOU KALY BAH,

Case No. 25–cv–17337–ESK Petitioner, v.

OPINION AND ORDER

LUIS SOTO, et al., Respondents. THIS MATTER comes before the Court upon petitioner Mamadou Kaly Bah’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Petition) (ECF No. 1) and motion for an order to show case (Motion) (ECF No. 2.) Petitioner alleges that he is unlawfully detained by immigration authorities under 8 U.S.C § 1225(b)(2) without a bond hearing. (ECF No. 1 p. 6.) Respondents filed a letter brief in response to the Petition stipulating that petitioner entered the United States without inspection in 2024, and he was arrested by Immigration and Customs Enforcement (ICE) officers on October 23, 2025. (ECF No. 4 p. 1.) Respondents further stipulate that petitioner is in ICE detention without bond pursuant to the Department of Homeland Security’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). (Id. p. 2.) Respondents acknowledge that that their answer to this Petition relies on the same statutory arguments made before this Court in Ayala Amaya v. Bondi, No. 25-cv-16428, 2025 WL 3033880 (D.N.J. Oct. 30, 2025), and this Petition asserts the same relevant facts as those in Ayala Amaya. (Id. pp. 2, 3.) I concluded in Ayala Amaya that mandatory detention under § 1225(b)(2) applied exclusively to encounters at or near the border, while discretionary detention under 8 U.S.C. § 1226(a) applies to noncitizens, like petitioner, who were already present in the country, albeit unlawfully, at the time of their arrest by immigration authorities under § 1226(a). Ayala Amaya, 2025 WL 3033880, at *3. Petitioner is unlawfully detained under § 1225(b)(2); therefore, I will grant the Petition and Motion. Respondents are ordered to treat petitioner as detained under § 1226(a) and provide him with an individualized bond hearing. IT IS on this 26th day of November 2025 ORDERED that:

1. The Petition at ECF No. 1 and Motion at ECF No. 2 are GRANTED.

2. Respondents shall treat petitioner as detained under 8 U.S.C.

§ 1226(a) and provide him with an individualized bond hearing before an immigration judge.

3. Respondents shall file a letter on the docket within 7 days of this

Opinion and Order indicating whether the hearing has taken place. If a hearing has not been held,

respondents shall give a detailed explanation for same. /s/ Edward S. Kiel

EDWARD S. KIEL

UNITED STATES DISTRICT JUDGE

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