

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)

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