

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Edgar Cleofas Pedro v. Luis Soto, et al.

Pedro v. Soto · No. 25-18257 (JXN) · Decided January 8, 2026

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY EDGAR CLEOFAS PEDRO, Civil Action No. 25-18257 (JXN) Petitioner, v. MEMORANDUM AND ORDER LUIS SOTO, et al., Respondents. NEALS, District Judge Before the Court is Petitioner Edgar Cleofas Pedro's ("Petitioner") counseled Amended Petition for Writ of Habeas Corpus ("Amended Petition") pursuant to 28 U.S.C. § 2241, challenging his detention (ECF No. 6) and a request for an Order to Show Cause ("OTSC") (Id. at 22).

Petitioner has paid the \$5.00 filing fee. In accordance with Rule 4 of the Rules Governing Section 2254 Cases ("Habeas Rules"), which is applicable to § 2241 cases through Rule 1(b) of the Habeas Rules, this Court has screened the Petition for dismissal and determined that dismissal without an answer and the record is not warranted. Petitioner requests an OTSC, relying on 28 U.S.C. § 2243.

(ECF No. 6 at 22.) Section 2243 states that "the writ... shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed." Multiple courts in this District have found that Rule 4 of the Habeas Rules, applicable to § 2241 cases through Rule 1(b) of the Habeas Rules, provides the Court with more flexible time limits for ordering an answer and supersedes the time limits of 28 U.S.C. § 2243 to the extent there is a conflict.¹ See *Iremashvili v. Rodriguez*, No. 15-6320, 2017 1 Federal procedural rules, which are promulgated by the U.S. Supreme Court and approved by Congress, have the force of statute.

See 28 U.S.C. § 2072; *Sempier v. Johnson & Higgins*, 45 F.3d 724, 736 (3d Cir. 1995); *United States v. Christian*, 660 F.2d 892, 899 (3d Cir. 1981). Indeed, § 2072 explicitly states that "[a]ll laws in conflict with such WL 935441, at *2 (D.N.J. Mar. 9, 2017); *Capozzi v. Fed. Bureau of Prisons*, No. 21-19533, 2021 WL 5881587, at *1 (D.N.J. Dec. 13, 2021); *Schumaker v. Knight*, 23-20834, 2024 WL 866347, at *1 (D.N.J.

Feb. 29, 2024). The Court agrees and denies Petitioner's request for an Order to Show Cause under § 2243, as it directs Respondents to answer the Petition pursuant to its authority under the Habeas Rules. Accordingly, IT IS, on this 8th day of January 2026, ORDERED that the Clerk of the Court shall serve a copy of the Amended Petition (ECF No. 6) and this Order upon Respondents by regular mail, with all costs of service advanced by the United States; it is further ORDERED that the Clerk of the Court shall forward a copy of the Petition (ECF No. 1) and this Order to the Chief, Civil Division, United States Attorney's Office, at the following email address:

USANJ-HabeasCases@usdoj.gov; it is further ORDERED that pursuant to the Court's authority under the All Writs Act, 28 U.S.C. § 1651, Respondents are TEMPORARILY ENJOINED from transferring Petitioner from his current detention facility during the pendency of this action; this Order shall remain in effect pending further Order of the Court; it is further ORDERED that the request for an OTSC (ECF No. 6 at 22) is DENIED without prejudice in light of the Court's Order directing Respondents to answer the Petition under the Habeas Rules; it is further ORDERED that within fourteen (14) days of the date of the entry of this Order, Respondents shall electronically file a full and complete answer to said Petition, which responds to the factual and legal allegations of the Petition paragraph by paragraph; it is further Rule of Civil Procedure conflicts with a prior statute, the Rule prevails." *Penfield Co. of Cal. v. SEC*, 330 U.S. 585, 589 n.5 (1947).

ORDERED that the answer shall state the statutory authority for Petitioner's detention, see 28 U.S.C. § 2243, and provide the relevant legal analysis and record evidence supporting the asserted statutory basis for detention; it is further ORDERED that Respondents shall raise by way of the answer any appropriate defenses which Respondents wish to have the Court consider, including, but not limited to, exhaustion of administrative remedies, and including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; it is further ORDERED that Respondents shall electronically file with the answer certified copies of the administrative record and all other documents relevant to Petitioner's claims; and it is further ORDERED that all exhibits to the Answer must be identified by a descriptive name in the electronic filing entry, for example: "Exhibit #1 Transcript of [type of proceeding] held on XX/XX/XXXX" or "Exhibit #2 Opinion entered on XX/XX/XXXX by Judge YYYY"; it is further ORDERED that Petitioner may file and serve a reply in support of the Petition within fourteen (14) days after the answer is filed; it is further ORDERED that within seven (7) days of Petitioner's release, be it transfer to supervised release or otherwise, Respondents shall electronically file a written notice of the same with the Clerk of the Court; and it is further ORDERED that the Clerk of the Court shall serve a copy of the Order upon the parties electronically. _____ JULIEN XAVIER NEALS United States District Judge