

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Edgar Cleofas v. Luis Soto, et al.

Civil Action No. 25-18257 (JXN) · No. Civil Action No. 25-18257 (JXN) · Decided January 23, 2026

SUMMARY

The United States District Court for the District of New Jersey granted Edgar Cleofas Pedro’s habeas petition challenging his mandatory immigration detention under 8 U.S.C. § 1225(b)(2). The court held that, based on the petitioner’s presence in the United States when arrested, his detention was authorized under the discretionary detention provision of 8 U.S.C. § 1226(a), not § 1225(b)(2). The court ordered respondents to provide an individualized bond hearing within seven days and then close the case.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Julien Xavier Neals
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	January 23, 2026
DOCKET	Civil Action No. 25-18257 (JXN)
DISPOSITION	granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from continued immigration detention without an individualized bond hearing.
STANDARD OF REVIEW	The Court interpreted the governing immigration-detention statutes and applied the undisputed facts to determine the statutory authority for Petitioner's detention.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Edgar Cleofas Pedro v. Luis Soto, et al.

TOPICS

- immigration detention
- statutory interpretation
- due process
- immigration

PRACTICE AREAS

- immigration law
- habeas corpus
- immigration detention
- administrative law

QUESTIONS PRESENTED

1. Whether Petitioner's detention was authorized by the mandatory-detention provision of 8 U.S.C. § 1225(b)(2) or instead by the discretionary-detention provision of 8 U.S.C. § 1226(a).
2. Whether Petitioner was entitled to an individualized bond hearing before an immigration judge.

HOLDINGS

1. Because Petitioner was present in the United States when apprehended and was not affirmatively seeking admission, his detention was authorized by 8 U.S.C. § 1226(a), not by the mandatory-detention provision of § 1225(b)(2).
2. Respondents must provide Petitioner with an individualized bond hearing before an immigration judge to assess whether he presents a flight risk or danger to the community.

KEY QUOTATIONS

“The line historically drawn between these two sections . . . is that section 1225 governs detention of non-citizens ‘seeking admission into the country,’ whereas section 1226 governs detention of non-citizens ‘already in the country.’”

“The issue of whether Petitioner is properly detained under § 1225(b) or § 1226(a) is similar to that of many cases in this District and around the country.”

“Based on this Court’s statutory interpretation in Fuentes Velasquez, No. 25-16797, the Court finds the facts asserted in the Petition establish Petitioner’s detention is authorized only by 8 U.S.C. § 1226(a), and not § 1225(b)(2).”

FACTUAL BACKGROUND

Petitioner, a native of Mexico, entered the United States without inspection. ICE agents arrested him, and he remained detained in ICE custody without an individualized bond hearing. Respondents treated him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2), although the record indicated that he was arrested within the United States rather than while seeking admission at the border.

PROCEDURAL HISTORY

Petitioner filed an amended § 2241 petition challenging his detention under the mandatory-detention provision of 8 U.S.C. § 1225(b)(2). The Court ordered Respondents to answer, and Respondents filed a letter response that did not dispute the material facts and relied on the same statutory interpretation rejected by the Court in *Fuentes Velasquez v. Noem*. The Court granted the petition, ordered Respondents to treat Petitioner as detained under § 1226(a), and directed that an individualized bond hearing occur within seven days.

DISPOSITION

granted

REMAND INSTRUCTIONS

Respondents shall treat Petitioner as detained under 8 U.S.C. § 1226(a) and provide an individualized bond hearing before an immigration judge as soon as practicable and no later than seven days after the Order. Respondents must file written notice of the hearing's outcome within three days after the hearing. The Clerk was directed to close the case.

CASES CITED

- Fuentes Velasquez v. Noem, No. 25-16797 (JXN)
- Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)
- Martinez v. Hyde, No. 25-cv-11613, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 288–89, 303 (2018)
- Lopez-Campos v. Raycraft, 2025 WL 2496379, at *8 (E.D. Mich. Aug. 29, 2025)
- Lopez Benitez v. Francis, No. 25-cv-5937, 2025 WL 2371588, at *4 (S.D.N.Y. Aug. 13, 2025)
- Soto, 2025 WL 2976572, at *7
- Belsai D.S. v. Bondi, No. 25-cv-3682, 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025)
- Zumba, 2025 WL 2753496, at *3
- Salazar v. Dedos, No. 25-cv-835, 2025 WL 2676729 (D.N.M. Sept. 17, 2025)
- Lepe v. Andrews, No. 25-cv-01163, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025)
- Roman v. Noem, No. 25-cv-01684, 2025 WL 2710211 (D. Nev. Sept. 23, 2025)
- Giron Reyes v. Lyons, No. 25-cv-4048, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025)
- Singh v. Lewis, No. 25-cv-0096, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025)
- Barrera v. Tindall, No. 25-cv-541, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025)
- Hasan v. Crawford, No. 25-cv-1408, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025)
- Vazquez v. Feeley, No. 2:25-cv-01542, 2025 WL 2676082 (D. Nev. Sept. 17, 2025)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 385 (2024)
- Decatur v. Paulding, 39 U.S. 497, 503 (1840)