

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FREDDY MAURICIO AGUAYO BRAVO,

Civil Action No. 25-18605 (MCA)

Petitioner,

v.

ORDER

LUIS SOTO, et al.,

Respondents.

Petitioner Freddy Mauricio Aguayo Bravo, a citizen of Ecuador, who entered the United States on or about May 5, 2000, has filed a counseled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his detention without bond on December 6, 2025, by the Department of Homeland Security (“DHS”). (ECF No. 1, Petition at ¶¶ 2, 5.) Petitioner is detained at Delaney Hall in Newark, New Jersey. (*Id.* at ¶ 6.)

The Court has reviewed the Petition under Rule 4 of the Rules governing habeas petitions and finds that dismissal is not warranted. The Court sets an expedited briefing schedule temporarily enjoins Respondents from transferring Petitioner from this District or removing him from the United States pending further order of the Court.¹

¹ The ICE Detainee Locator indicates that Petitioner is currently detained at Delaney Hall. *See* <https://locator.ice.gov/odls/#/results>, last visited December 18, 2025. Courts in this district and around the country have used their inherent authority under the All Writs Act, 28 U.S.C. § 1651(a), to enjoin the transfer or removal of noncitizens while their habeas petitions are pending. *See Rivera Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2476524, at *8 (D.N.J. Aug. 28, 2025); *see also Arostegui-Maldonado v. Baltazar*, --F. Supp.3d --, No. 25-cv-2205, 2025 WL 2280357, at *16 (D. Colo. Aug. 8, 2025) (relying on the All Writs Act to enter an injunction preventing immigration detainee’s transfer out of the District of Colorado during the pendency of his habeas action). This Court likewise relies on its inherent authority under the All Writs Act to preserve the status quo until this matter may be heard on the merits.

IT IS, on this 19th day of December 2025;

ORDERED that pursuant to the Court's authority under the All Writs Act, 28 U.S.C. § 1651(a), RESPONDENTS are temporarily ENJOINED from transferring Petitioner from this District or removing him from the United States pending further order of the Court; and it is further

ORDERED that the Clerk of the Court shall serve a copy of the Petition and this Order upon Respondents by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that, in accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b), this Court has examined the Petition and determined that dismissal of the Petition prior to submission of an answer and the record is not warranted; and it is further

ORDERED that the Clerk of the Court shall forward a copy of the Petition and this Order to Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that to the extent Respondents intend to stipulate to the relevant facts alleged in the Petition and acknowledge that they rely on the same statutory interpretation set forth in *Matter of Yajure Hurtado*, 29 I&N Dec. 215 (BIA 2025), which was rejected by this Court in *Vasquez Lucero v. Soto, et al*, No. 25-16737-MCA, 2025 WL 3240895 (D.N.J. Nov. 20, 2025), they shall file a letter response within 7 days that sets forth that position; and it is further

ORDERED that to the extent Respondents dispute the facts or legal basis for Petitioner's detention, they shall electronically file a full and complete answer to said Petition, which responds to the factual and legal allegations of the Petition, within 14 days; and it is further

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; and it is further

ORDERED that Respondent shall raise in the answer any appropriate defenses and relevant legal arguments with citations to appropriate legal authority; and it is further

ORDERED that Respondent shall electronically file with the answer certified copies of the administrative record and all other documents relevant to Petitioner's claims; 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, if necessary, Petitioner may file and serve a reply in support of the Petition within 7 days after the answer is filed.

s/ Madeline Cox Arleo
MADELINE COX ARLEO
United States District Judge