

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RICHARD MARTIN,

Petitioner,

v.

LUIS SOTO, *et al.*,

Respondents

No. 25cv18299 (EP)

ORDER

Petitioner Richard Martin, a citizen of Jamaica who entered the United States on a C1-D Visa and has an approved I-130 Petition, filed an Amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241,¹ D.E. 4 (“Amended Petition” or “Am. Petition”) ¶¶ 2, 28. Petitioner challenges his immigration detention at Delaney Hall Detention Facility in Newark, New Jersey without a bond hearing, since his arrest on December 4, 2025. Am. Petition ¶ 5.

In accordance with Rule 4 of the Rules Governing § 2254 Cases (“Habeas Rule 4”)—which is applicable to § 2241 cases through Rule 1(b) of the Rules Governing § 2254 Cases—this Court has screened the Amended Petition for dismissal and determined that dismissal without an answer

¹ On December 9, 2025, Ryanne Konan, Esq. filed a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 on behalf of Petitioner in this matter. D.E. 1, “Petition.” The Court advised Attorney Konan that he could not proceed without having a member of the Bar of this Court file an appearance in accordance with Local Civil Rule 101.1 on behalf of your client. D.E. 2 (“Notice”). Attorney Frederic Aurelien, a member of the Bar of this Court, filed an Amended Petition on December 15, 2025, and Attorney Aurelien may proceed on the Amended Petition on Petitioner’s behalf. Attorney Aurelien also submitted “A Request by Local Counsel for Pro Hac Vice Attorney to Receive Electronic Notification.” D.E. 3 (“Request”). The Request states that “an order of the Court granting a motion to appear *pro hac vice* in the within matter has been entered[.]” The Court is unable to locate an order granting a *pro hac vice* application for Attorney Ryanne Konan pursuant to Local Civil Rule 101.1. Therefore, the Request will be **DENIED *without prejudice***. The Request may be renewed by providing additional information of compliance with Local Civil Rule 101.1.

and the record is not warranted. The Court will order an expedited answer. The Court will further order, pursuant to the All Writs Act, 28 U.S.C. § 1651, that Petitioner shall not be removed from New Jersey during the pendency of this habeas corpus proceeding. Accordingly,

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

ORDERED that the Clerk of the Court shall serve a copy of the Am. Petition, D.E. 4, and this Order upon Respondents by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk of the Court shall forward a copy of the Am. Petition, D.E. 4, and this Order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that, pursuant to the All Writs Act, 28 U.S.C. § 1651, Respondents shall not remove Petitioner from New Jersey during the pendency of this habeas corpus proceeding under 28 U.S.C. § 2241; and it is further

ORDERED that, pursuant to Habeas Rule 4, before or on **December 23, 2025**, Respondents shall electronically file a full and complete answer to said Petition, which responds to the factual and legal allegations of the Petition; and it is further

ORDERED that the answer shall state the statutory authority for Petitioner's detention, *see* 28 U.S.C. § 2243; and it is further

ORDERED that Respondents shall raise by way of the answer any appropriate defenses which Respondents wish to have the Court consider; and 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”; and it is further

ORDERED that Petitioner may file and serve a reply brief in support of the Petition and Motion within **three days** after the answer is filed; and it is further

ORDERED that if Respondents rely on the same statutory arguments made before this Court in *Lomeu v. Soto*, No. 25-16589, 2025 WL 2981296 (D.N.J. Oct. 23, 2025) to justify Petitioner’s detention and if the relevant facts are the same here as in *Lomeu*, Respondents may file, in lieu of a response to the Motion and in lieu of a full and complete answer to the Petition, a letter disclosing so to the Court; and it is finally

ORDERED that if Respondents file a letter instead of a response to the Motion and a full and complete answer to the Petition, Petitioner need not file a reply brief.



Evelyn Padin, U.S.D.J.