

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

**Mr. Jonny Antonio SERAQUIVE
PAQUI,**

Petitioner,

v.

JOSEPH FREDEN,
in his official capacity as Field
Office Director, Buffalo Field
Office, U.S. Immigration &
Customs Enforcement;

STEVEN KURZDORFER,
In his official capacity as Acting
Field Office Director, Buffalo Field
Office, U.S. Immigration & Customs
Enforcement;

TODD LYONS,
In his official capacity as Acting
Director, U.S. Immigration and
Customs Enforcement,

KRISTI NOEM,
In her official capacity as Secretary
of Homeland Security,

Respondent.

Civil Action No. 25-cv-1029

Immigration No. A 

**RESPONSE IN OPPOSITION
TO RESPONDENTS' MOTION
TO DISMISS**

Oral Argument Requested

RESPONSE IN OPPOSITION TO RESPONDENTS' MOTION TO DISMISS

Respondents have filed a motion to dismiss. The Motion argues that the Petition for a Writ of Habeas Corpus should be dismissed due to 1) failure to exhaust administrative remedies, and 2) because Petitioner is detained under 8 U.S.C. § 1225(b) and his detention is mandated until he is removed. The Motion to Dismiss should be denied as it is without merit. Petitioner responds as follows:

Failure to Exhaust Administrative Remedies

Petitioner requested a bond hearing -- not just once, but twice -- and he was denied by the Immigration Judge. The government argues that he should have appealed to the Board of Immigration Appeals. This would be futile as a bond appeal takes an average of six months or more, a single member of that Board cannot overrule Board precedent, and the likelihood of a three-member panel convening and overturning *Matter of Yajure Hurtado* as a consequence of Petitioner filing a bond appeal is incredibly unlikely to occur. On the other side of the coin, the likelihood of the bond matter being moot by the time the BIA reviews it is also very high, as Petitioner is scheduled for a final hearing with an Immigration Judge on November 18, 2025.

Petitioner's Detention is Under 8 U.S.C. § 1226(a), Not 8 U.S.C. § 1225(b)

For the reasons as stated in the Petition, the government's contention that 8 U.S.C. § 1225(b) controls Petitioner's detention is legally incorrect. As of today, Petitioner's counsel is aware of 176 favorable district court decisions¹ rejecting the government's contention that 8 U.S.C. § 1225(b) provides the authority for mandatory detention.

We are only aware of 10 unfavorable decisions nationwide, but that counts denials of TRO motions and denials on the basis of jurisdiction or lack of exhaustion. In actuality, only two of those decisions were actually on the merits. Of the unfavorable decisions, one decision was subsequently overruled by the same judge (*Pena v. Hyde*, 2025 WL 2108913 (D. Mass. July 28, 2025)); overruled by *Lema Zamora v. Noem*, 2025 WL 2958879 (D. Mass. Oct. 17, 2025)); and

¹ A spreadsheet tracking district court decisions on this issue is available at <https://ailassoc.sharepoint.com/:x/s/legalteam/ETbJeNF7whFKjedlZi4f-L0BLqBvPhDAf5Fan6xh3q9ItA> and is also being attached as an exhibit to this filing.

one was dismissed for failure to exhaust administrative remedies but actually reached a favorable result on the statutory question (*Quinonez Mercado ex rel. Abarca-Jovel v. DHS*, 2025 WL 2430423 (D. Mass. Aug. 22, 2025)). In one case, *Pipa-Aquise v. Bondi*, 2025 WL 2490657 (E.D. Va. Aug. 5, 2025), the Court was dealing with a distinct issue and although the government has cited this as a case that breaks from the weight of authority on the issue of 1225(b)(2) versus 1226(a) detention, the same judge, Judge Nachmanoff issued *Teyim v. Perry*, which addresses this issue directly and concluded that 1226(a), not 1225(b), controls.

Judge Philip Calabrese in the Northern District of Ohio has denied three petitions for failure to exhaust administrative remedies, but one of the cases, *Monroy Villalta v. Greene*, 2025 WL 2472886 (N.D. Ohio Aug. 5, 2025), predates *Yajure Hurtado*. The second petition was denied based on a purported lack of exhaustion (*Laguna Espinoza v. Director of Detroit Field Office*, 2025 WL 2878173 (N.D. Ohio Oct. 9, 2025)) where the Petitioner did not make a robust argument about the futility of such, and the third petition was likewise denied due to a lack of exhaustion without addressing futility at all (*Abdoulaye Ba v. Director of Detroit Field Office*, 2025 WL 2977712 (N.D. Ohio Oct. 22, 2025)).

In *S.Q.D.C. v. Bondi*, 2025 WL 2617973 (D. Minn. Sept. 9, 2025), Judge Paul Magnuson denied a petition based on lacking jurisdiction to review detention under 1252(b)(9) and 1252(g), but this issue was acknowledged and rejected by Judge Katherine Menendez in *Belsai D.S. v. Bondi*, 2025 WL 2802947 (D. Minn. Oct. 1, 2025). In *Vargas Lopez v. Trump*, 2025 WL 2780351 (D. Neb. Sept. 30, 2025), Judge Brian Buescher in the District of Nebraska denied habeas relief but did not grapple with the reasoning in the weight of authority going the other way, did not address the meaning or import of “seeking admission” under 1225(b)(2)(A), and accepted the government’s argument that 1225(b)(2) and 1226(a) overlap, ignoring superfluity

issues. The remaining two cases that we are aware of were denials of TRO only. *Huaman Villanueva v. Chestnut*, 2025 WL 2996559 (E.D. Cal. Oct. 24, 2025); *Chavez v. Noem*, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025).

As such, it appears that out of these ten “denials,” only one, *Vargas Lopez v. Trump*, purported to actually reach the merits of the issue and was not subsequently overturned by the same judge. The rest of these cases were either TRO denials, denials based on a supposed lack of jurisdiction, denials based on a purported lack of exhaustion of administrative remedies, or, in one case, subsequently overruled by the same judge after considering the arguments and the weight of authority.

Dated: November 4, 2025

/s/ Matthew K. Borowski

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Favorable 1226(a) v. 1225(b)(2)(A) Caselaw

Last updated November 7, 2025.

Note: this sheet is not exhaustive. Practitioners should do their own jurisdiction-specific research.

Asterisk (*) indicates new decision from a judge who has already issued a favorable decision on the 1225(b)(2) v 1226(a) statutory issue.

See the second tab of this spreadsheet for unfavorable decisions.

Court	Date	Case Name/Cite	Docket No.	Judge	Automatic Stay Notes	Statutory Authority Notes	Outcome
CA1 - D. Mass.	7/7/2025	Gomes v. Hyde, 2025 WL 1869289 (D. Mass. July 7, 2025)	1:25-cv-11571	Kobick, Julia E.	N/A	- EWI in 2024, detained at border and released on OREC. - In 240 proceedings. - Arrested with a warrant after immigration court hearing May 2025. - IJ found ineligible for bond under <i>Matter of Q. Li</i>. - Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders BH
CA1 - D. Mass.	7/24/2025	Martinez v. Hyde, 2025 WL 2094238 (D. Mass. July 24, 2025)	1:25-cv-11613	Murphy, Brian E.	N/A	- EWI, detained at border in 2024 and released on OREC. - In 240 proceedings. - Arrested after immigration court hearing June 2025. [ICE had moved to dismiss to place in ER, which IJ denied]. - Court held 1226(a), not 1225(b)(2), could authorize detention.	Grants habeas and orders release, where there was "no indication or present assertion" that petitioner was detained under 1226
CA1 - D. Mass.	8/14/2025	dos Santos v. Noem, 2025 WL 2370988 (D. Mass. Aug. 14, 2025)	1:25-cv-12052	Kobick, Julia E.	N/A	- EWI in 2017, detained at border, placed in ER. - Positive CFI, placed in 240 proceedings. "Pursuant to a stipulation" with ICE, IJ ordered release on bond 2018. - Arrested May 2025 with a warrant after a traffic stop and ICE canceled bond. - Government argued 1225(b)(2) applied. - Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders release based on 2018 bond order and <i>Matter of Sugay</i>
CA1 - D. Mass.	8/19/2025	Romero v. Hyde, 2025 WL 2403827 (D. Mass. Aug. 19, 2025)	1:25-cv-11631	Murphy, Brian E.	N/A	- EWI in 2021, detained at border with a warrant and released on OREC. - IJ ordered removed in 240 proceedings in 2023, then on OSUP. - Arrested June 2025, purportedly with a warrant, at check-in. - IJ reopened 240 proceedings July 2025. - Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders bond hearing
CA1 - D. Mass.	8/27/2025	Diaz Diaz v. Mattiello, 2025 WL 2457610 (D. Mass. Aug. 27, 2025)	1:25-cv-12228	Kobick, Julia E.	N/A	- EWI in 2010. - Detained and released on bond in 2020. 240 proceedings administratively closed in 2024 to pursue marriage-based I-130. I-130 granted Nov. 2024, I-601A received by USCIS June 2025. - Arrested without a warrant July 2025 while on his way to work and revoked bond. 240 proceedings recalendared. - Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders release within 48 hours

CA1 - D. Mass.	9/5/2025	<i>Dea v. Moniz</i> , 2025 WL 2576819 (D. Mass., Sept. 5, 2025).	Taiwani, Indira	N/A	- EWI as a minor in 2021, presented to BP as a UC, detained at border with warrant and released on OREC early 2022. 240 proceedings terminated late 2024, 1-360 granted April 2025. - Arrested July 2025 by local police in connection with alleged shoplifting (no pending charges yet), transferred to ICE custody, ICE issued warrant shortly thereafter. - IJ denied bond based on Laken Riley Act. - Court held 1226(c), not 1225(b)(2), authorizes detention. - Court held 1226(c) (Laken Riley) violates procedural DP as applied under <i>Mathews v. Eldridge</i>.	Grants habeas and orders bond hearing
CA1 - D. Mass.	9/5/2025	<i>Enracion v. Moniz</i> , No. 25-12237 (D. Mass., Sept. 5, 2025)	Sorokin, Leo T.	Autostay as applied violates due process	- EWI in 2023, detained at border and released on OREC. - Placed in 240 proceedings. - Arrested June 2025 during worksite raid. - IJ granted bond, DHS filed autostay. - Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders release
CA1 - D. Mass.	9/9/2025	<i>Sampao v. Hyde</i> , 2025 WL 2607924 (D. Mass., Sept. 9, 2025)	Kobick, Julia E.	Autostay as applied violates procedural DP under <i>Mathews v. Eldridge</i>	- EWI in 2021, detained at border and released on OREC. - In 240 proceedings. - Arrested July 2025 with a warrant at a check-in. - IJ granted bond, DHS filed autostay. - Court held 1226(a), not 1225(b)(2), authorizes detention. - Court discussed and rejected <i>Yajure Hurtado</i>.	Grants habeas and orders release
CA1 - D. Mass.	9/18/2025	<i>Hilario Rodriguez v. Moniz</i> , No. 25-12358 (D. Mass., Sept. 18, 2025)	Joun, Myong J.	N/A	- EWI in 2023; released on recognizance. - Arrested by ICE in August 2025. - Placed in 240 proceedings. - Court found exhaustion to BIA not required. - Held 1225(b)(2) does not apply to noncitizens arrested on a warrant and released on recognizance.	Grants habeas and orders bond hearing
CA1 - D. Mass.	9/29/2025	<i>Romero-Nolasco v. McDonald</i> , 2025 WL 2778036 (D. Mass., Sept. 29, 2025)	Joun, Myong J.	N/A	- EWI in 2001. - In 240 proceedings. - Arrested in September 2025 with a warrant after DUI arrest by local police. - Court held 1226(a), not 1225(b)(2), authorizes detention. - Court discussed and rejected <i>Yajure Hurtado</i>. - Court held revocation of bond without a bond hearing violated procedural DP under <i>Mathews</i>.	Grants habeas and orders bond hearing
CA1 - D. Mass.	9/29/2025	<i>Iniang Totagay v. Moniz</i> , 2025 WL 2778023 (D. Mass., Sept. 29, 2025)	Joun, Myong J.	N/A	- EWI in 2023, detained at border, released on OREC and issued NTA. - SJS and Deferred Action granted October 2024. - Arrested with warrant in August 2025. - Court held 1226(a), not 1225(b), authorizes detention. - Detention violates procedural DP under <i>Mathews</i>.	Grants habeas and orders bond hearing
CA1 - D. Mass.	10/2/2025	<i>Rochav. Hyde</i> , 2025 WL 2807692 (D. Mass., Oct. 2, 2025).	Burroughs, Allison D.	N/A	- EWI in 2021. - Spouse of LPR, pending I-130. - Detained by ICE September 2025. - Court held 1226(a), not 1225(b)(2), authorizes detention. - FN 2 contains long list of D. Mass. decisions (including minute orders, others not on WL) reaching the same result.	Grants habeas and orders bond hearing

CA1 - D. Mass.	10/3/2025	Guerrero-Drellman v. Moniz, 2025 WL 2806999 (D. Mass. Oct. 3, 2025)	25-cv-12664	Saris, Patti B.	N/A	• E seeks to represent a class of EWIs subject to 1225(b)(2). • EWI'd in 2013. • ICE arrested and detained him following a traffic stop. • Served with I-200 and placed in removal proceedings. • Court finds 1226(a), not 1225(b)(2) governs detention (extensive statutory analysis).	Grants PI and orders bond hearing. PI just as to the individual petitioner, not the class.
CA1 - D. Mass.	10/3/2025	Elias Escobar v. Hyde, 2025 WL 2823324 (D. Mass. Oct. 3, 2025)	25-cv-12664	Talwani, Indira	N/A	• EWI in June 2017. • I-130 pending (USC wife). • Arrested by ICE in Sept 2025 in aggressive traffic stop (smashing window, threatened to tase, etc); hospitalized after encounter. • Issued NTA and Warrant for Arrest, citing 236. • Court holds 1225 does not apply because nothing in record states this was basis for detention; even if it were, this would be contrary to the statutory scheme. • Discusses and rejects <i>Yajure Hurtado</i>, citing <i>Loper Bright</i>; points to other district court decisions and inconsistency with BIA's other decisions and decades of DHS practices. • Detention falls under 1226(a) and he's entitled to a bond hearing.	Grants habeas and orders a bond hearing
CA1 - D. Mass.	10/17/2025	Lema Zamoia v. Noemi, 2025 WL 2958679 (D. Mass. Oct. 17, 2025)	25-cv-12750	Gorton, Nathaniel M.	N/A	• Detained by ICE Aug. 2025. • Disagrees with <i>Yajure Hurtado</i> and notes numerous district court decisions afforded BH disagreeing with gov't statutory argument. • No other info about petitioner in memorandum & order but notes that 1226(a), not 1225(b)(2), applies as he was "already residing in this country". • This judge previously issued a bad decision on this question, though that decision did not squarely address the issues, see <i>Pena v. Hyde</i>, 2025 WL 2108913.	Grants petition and orders release unless afforded BH
CA1 - D. Mass.	10/21/2025	Da Silva v. Bondi, 2025 WL 2869163 (Oct. 21, 2025, D. Mass)	25-cv-12672	Casper, Denise J.	N/A	• EWI in April 2021 and detained by CBP same day. • Facts unclear, but apparently released on order of recognizance. • Passed CFI in August 2025 and referred for 240 proceedings. • Detained October 2025. • Gov't argued 1225(b)(2) governed. • Court finds 1226 not 1225(b)(2); does not address 1225(b)(1).	Grants habeas and orders BH
CA1 - D. Mass.	10/22/2025	Cortez Rivera v. Hyde, 2025 WL 2977900 (D. Mass. Oct. 22, 2025)	1:25-cv-12390-IT	Talwani, Indira	*	*	*
CA1 - D. Mass.	10/22/2025	Moreira Aguilar v. Moniz, 2025 WL 2987656 (D. Mass. Oct. 22, 2025)	1:25-cv-12706	Talwani, Indira	*	*	*
CA1 - D. Me.	9/2/2025	Chaplin Chaffin v. Scott, 2025 WL 2668541 (D. Me. Sept. 2, 2025)	2:25-cv-00437; 2:25-cv-00438, 2:25-cv-00439	Neumann, Stacey D.	N/A	• 3 petitioners EWI'd in 2019 and 2021. [1 petitioner previously arrested and released under 1226(a) in 2021]. • In 240 proceedings. • Arrested August 2025 at a traffic stop. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court held redetention without bond hearing violated procedural DP.	Grants petition and orders release until BH held because warrantless arrest violated 1226(a)

CA1 - D Me.	9/29/2025	Chang Barrios v. Shenley, 1:25-cv-00406 2025 WL 2772579 (D. Me. Sept. 29, 2025)	Woodcock, John A., Jr.		• EWI 17+ years ago, at age 17. • Arrested July 2025 after a traffic stop, served warrant after arrest. • Placed in 240 proceedings after arrest, and given notice of custody determination which ICE later "cancelled." • Court held 1226(a), not 1225(b)(2), authorizes detention (extensive statutory analysis). • Court discussed and rejected <i>Yajure Hurtado</i>. • Detention also violates procedural DP.	Grants petition and orders government to propose conditions for release pending bond hearing
CA1 - D Me.	9/30/2025	Chilguinea Yumbillo v. Stampfer, 2025 WL 2783642 (D. Me. Sept. 30, 2025)	Neumann, Stacey D.	N/A	• EWI in December 2022. • First detained by CBP January 13, 2025, released on OREC and issued NTA. • 240 proceedings terminated May 2025. • CBP readetained September 2025 without a warrant after police responded to traffic accident. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court held detention without bond hearing violated procedural DP. • Court held custody under 1226(a) without a warrant unlawful.	Grants habeas, and because arrested without a warrant was unlawful, orders immediate release until a bond hearing is provided within 14 days
CA1 - D Me.	10/16/2025	Perez Pina v. Stampfer, 2025 WL 2939298 (D. Me. Oct. 16, 2025)	Neumann, Stacey	N/A	• Venezuelan citizen EWI September 2023; ROR'd by CBP per 1226a. • DHS detains Sep. 2025 after arrest by local police for alleged disorderly conduct. • Court states this case near identical to previous habeas case from D. Maine, and that parties have stipulated such; relies on previous analysis which favors Petitioner on statutory and DP grounds. • Court held 1226a, not 1225b applies to Petitioner.	Grants habeas and orders bond hearing
CA1 - D Me.	10/23/2025	Aguilar Guerra v. Joyce, 2025 WL 2986316 (D. Me. Oct. 24, 2025)	Neumann, Stacey D.	*		*
CA1 - D Me.	10/24/2025	Cesario Souza v. Hyde, 2025 WL 2997670 (D. Mass. Oct. 24, 2025)	Casper, Denise J.	*		*
CA1 - D Me.	10/28/2025	Chahaguan Calza v. Scott, 2025 WL 3013081 (D. Me. Oct. 28, 2025)		*		*
CA1 - D.N.H.	9/8/2025	Imenez v. FCI Barlin, 2025 WL 2639390 (D.N.H. Sept. 8, 2025)	Woodcock Jr., John A. McCafferty, Landya B.	N/A	• EWI in 2023, detained at border, placed in ER. • Negative CFI, reversed on IJ review, placed in 240 proceedings. • Released on OREC August 2023. • Arrested with a warrant after immigration court hearing July 2025. • Court held 1225(b)(1) does not mandate detention where IJ reversed negative CFI. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court discussed and rejected <i>Yajure Hurtado</i>.	Grants habeas and conducts bond hearing in district court, resulting in release

CA1 - D.N.H.	9/29/2025	6a Silva v. ICE, 2025 WL 2778053 (D.N.H. Sept. 29, 2025)	1:25-cv-00284	McCaflerty, Landya B.	• Autostay violates procedural DP as applied under <i>Mathews v. Eldridge</i>	• EWI in 2012. • Arrested in 2025 (driving without a license), detained with a warrant and a 1226 Notice of Custody Determination (denying release) upon release from police custody. • Placed in 240 proceedings. • IJ granted bond; DHS appealed and invoked autostay. • Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders release
CA1 - D.R.I.	10/2/2025	Avala Casuniv, Hyde, 2025 WL 2805769 (D.R.I. Oct. 2, 2025)	25-cv-427	McConnell, John J., Jr.	• Autostay violates procedural DP as applied under <i>Mathews v. Eldridge</i>	• EWI (presumably) in 2022. • SIS and Deferred Action granted October 2023. • After criminal arrest in August 2025, posted bail, then ICE took custody. • After arrest, placed in 240 proceedings. • IJ granted bond; DHS appealed and invoked autostay. • Court held 1226(a), not 1225(b), authorizes detention.	Grants habeas and orders release
CA1 - D.R.I.	10/27/2025	Tomas Elias v. Hyde, 2025 WL 3004437 (D.R.I. Oct. 27, 2025)	25-cv-540-JJM-AEM	McConnell, John J., Jr.			
CA2 - S.D.N.Y.	8/13/2025	Lopez Benitez v. Francis, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025)	1:25-cv-05937	Ho, Dale E.	N/A	• EWI in 2023, detained at border with a warrant and released on OREC. • In 240 proceedings. • Arrested after immigration court hearing July 2025, served warrant after arrest. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court held redetention without pre-deprivation process violated procedural DP under <i>Mathews v. Eldridge</i> .	Grants habeas and orders return to judicial district and release
CA2 - S.D.N.Y.	8/19/2025	Santa v. Joyce, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025)	1:25-cv-06373	Ho, Dale E.	N/A	• EWI in 2023, detained at border with warrant, released on OREC. • In 240 proceedings. • Arrested after immigration court hearing August 2025, served warrant after arrest. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court held redetention without pre-deprivation process violated procedural DP under <i>Mathews v. Eldridge</i> .	Grants habeas and orders release
CA2 - S.D.N.Y.	9/28/2025	Savane v. Francis, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025)	1:25-cv-6666	Woods, Gregory H.	N/A	• EWI in 2023, detained at border and released on OREC. • Arrested after immigration court hearing August 2025. • Court assumed without deciding holding that 1225 applies and thus border release was parole under 1182(d)(5). • Court held redetention without pre-deprivation process violated procedural DP under <i>Mathews v. Eldridge</i> .	Grants habeas and orders release within one business day
CA2 - S.D.N.Y.	10/19/2025	Caraballo Gonzalez v. Joyce, 2025 WL 2961626 (S.D.N.Y. Oct. 19, 2025)	25-cv-8250	Torres, Analisa	N/A	• EWI in 2023, detained at border and released on OREC with NTA. • In 240 proceedings. • Arrested after immigration court hearing October 2025. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court held redetention violated procedural DP under <i>Mathews v. Eldridge</i> .	Grants habeas and orders release

CA2 - S.D.N.Y.	10/28/2025	<u><i>J.G.O. v. FERRER</i></u> (S.D.N.Y. Oct. 28, 2025)	1:25-cv-07233	Subramanian, Arun	Court did not address lawfulness of autostay	•EWI 2022 •Detained under 1226, released OREC •Applied for asylum •Arrested by ICE early 2025, govt tried to deport to El Salvador megapison •IJ found JGO detained under 1226(a) not 1226(c), eligible for bond, set at \$7,500; DHS obtained autostay •Court finds detention is governed by 1226(a), not 1225(b)(2)	Habeas granted and JGO ordered immediately released under IJ's bond terms
CA2 - E.D.N.Y.	9/29/2025	<u><i>J.L. v. Maldonado</i></u> , 2025 WL 2772765 (E.D.N.Y. Sept. 29, 2025)	25-CV-04836	Merchant, Orella	N/A	•EWI in 2024, detained at border with warrant and released on OREC, given NTA. •Asylum application pending. EAD granted. •Arrested after immigration court hearing July 2025. •Court held Petitioner is subject to detention under 1226, not 1225(b)(2). •Addresses and rejects Yajure Hurtado. •Court held redetention without pre-deprivation process violated procedural DP under <i>Mathews v. Eldridge</i>.	Grants habeas and orders immediate release
CA2 - E.D.N.Y.	10/5/2025	<u><i>Antiga v. Genato</i></u> , 2025 WL 2828434 (E.D.N.Y. Oct. 5, 2025)	25-CV-5208	Merchant, Orella	N/A	•EWI August 2018. •It is disputed whether he was detained at the border. •Released on bond. •Encountered by ICE while they were looking for someone else. •Court held Petitioner is subject to detention under 1226, not 1225(b)(2). •Addresses and rejects Yajure Hurtado. •Indefinite detention violates petitioner's Due Process rights.	Grants habeas and orders immediate release
CA3 - D.N.J.	9/26/2025	<u><i>Rivera Zumbado v. Bonilla</i></u> , 2025 WL 2753496 (D.N.J. Sept. 26, 2025)	2:25-cv-14626	Hayden, Katharine S.	N/A	•Entered EWI in 2002. •BIA denied cancellation; removal ordered entered; BIA reopened and remanded to IJ. •Arrested in August 2025 as part of fugitive ops. •Court rejects 1225(b)(2) statutory argument. •Also relies on govt's treatment of P as 1226 eligible for 20+ years. •Detention also violates DP per <i>Mathews</i>.	Grants habeas and orders release
CA3 - D.N.J.	10/10/2025	<u><i>Mugliza Castillo v. Lyons</i></u> , 2025 WL 2940990 (D.N.J. October 10, 2025)	25-cv-16219	Farblatz, Michael E.	N/A	•Facts not included in the decision •Held 1226(a) applies, not 1225(b)(2)(A) •Mentions Yajure Hurtado, but does not expressly reject it; only that 1226(a) applies to "people situated like the Petitioner, not 1225(b)(2)(A)"	Orders respondents to send letter indicating whether a bond hearing has been afforded, and if not why not. Doesn't address other requests for relief
CA3 - D.N.J.	10/21/2025	<u><i>Mancuela Buegan v. Choi</i></u> , 2025 WL 297252 (D.N.J. Oct. 21, 2025)	25-cv-16034	Farblatz, Michael E.	N/A	•Facts not included in decision. •Court acknowledged and rejected Yajure Hurtado. •Court held 1226(a), not 1225(b)(2), authorizes detention.	Ordering that petitioner shall be treated as detained under § 1226(a), requiring report as to whether bond hearing has happened and if not why not
CA3 - D.N.J.	10/22/2025	<u><i>Bethancourt Soto v. Soto</i></u> , 2025 WL 2976572 (D.N.J. Oct. 22, 2025)	25-cv-16200	O'Hearn, Christine P.	N/A	•EWI in 2018, at age 12 •Separated from mother and held in ORR as unaccompanied child before reunited with mother •Arrested at work in Sept. 2025 •IJ denied BH under Yajure Hurtado •Court holds 1226 and not 1225(b)(2) governs •Court holds under <i>Mathews</i> factors that detention violates PDP	Grants habeas and orders BH; permanently enjoins re-detaining under 1225

CA3 - D. N.J.	10/23/2025	de Fatima Lopez v. Soto, 25-cv-16569 2025 WL 2981296 (D.N.J. Oct. 23, 2025)	Padin, Evelyn	N/A	• EWI in 2005 • Detained one day after entry, ROR'd • P received in absentia order; successfully re-opened her immigration case and sought adjustment of status after marrying a U.S. citizen • Detained by ICE in Oct. 2025 during EAD fingerprinting • Court rejects <i>Yajure-Hurtado</i> • Petitioner's situation fits squarely within 1226(a) detention and not 1225(b)(2) • P also raises conditions of confinement claim; Court dismisses as moot	Grants habeas and orders bond hearing
CA3 - D. N.J.	10/23/2025	Lopez Lopez v. Soto, 25-cv-16303 2025 WL 2987485 (D.N.J. Oct. 23, 2025)	Farhiarz, Michael E.	*	*	*
CA3 - D. N.J.	10/23/2025	Contreras Maldonado v. Cabezas, 2025 WL 2985256 (D.N.J. Oct. 23)	Semper, Janet K.	N/A	• EWI as UC in 2019 • Issued I-286 that states 1226 as source of detention authority • Granted SIJS deferred action, protecting from removal until Nov 2027 • Detained at asylum interview in July 2025 • Initially denied bond hearing since JJ determined she was detained under 1225 and he did not have jurisdiction • 2nd bond hearing in Aug. 2025 - ICE attorney stated she was detained under 1226; JJ found JJ and denied bond • In federal court government argued she falls under 1225(b)(2)(A) • Court finds detention under 1225(b)(2)(A) is unlawful; detained under 1226(a) • Court finds she was entitled to a "pre-detention individualized determination" under 1226(a) before she could be detained	Grants habeas and orders release.
CA3 - D. N.J.	10/28/2025	Pate v. Almodovar, 2025 WL 3012323 (D.N.J. Oct. 28, 2025)	Wigenton, Susan D.	N/A	• EWI Dec. 2023, apprehended at border, given NTA, ROR'd • Detained at Imm Ct Sept. 2025 • Granted SIJs in Aug. 2025 • Court held 1226(a), not 1225(b)(2), authorized detention • Held detention under 1225(b)(2) violated DP rights	Grants habeas and orders BH
CA3 - W.D. Pa.	10/23/2025	Del Girl Del Cid v. Bondi, 2025 WL 2985150 (W.D., Pa. Oct. 23, 2025)	Haines, Stephanie L.	N/A	• 2 petitioners EWI'd as children, in 2021 and 2023. • Both arrested at the border and eventually released. • SIJ status and SIJ deferred action granted, applications for adjustment pending. • One petitioner arrested July 2025 (mistaken identity by ICE), put in 240 proceedings, bond denied based on Q. I., then proceedings terminated and release from detention September 2025. (Court held this petitioner had standing based on voluntary cessation and capable of repetition yet evades review mootness exceptions). • Other petitioner arrested July 2025, bond denied based on Q. I. • Court held 1226(e), not 1225(b)(2), authorizes detention, with analysis based in large part on grant of SIJ status.	Grants habeas and orders bond hearing (for detained petitioner) and future bond hearing (if non-detained petitioner detained in the future while retaining SIJ status and no criminal record)
CA4 - D. Md.	8/24/2025	Leal-Hernandez v. Noemi, 2025 WL 2430025 (D. Md. Aug. 24, 2025)	Rubin, Julie R.	• Autostay as applied violates substantive DP. • Autostay as applied violates procedural DP under <i>Mathews v. Elridge</i>. • Autostay reg is <i>ultra vires</i>.	• EWI 20+ years ago. • Arrested July 2025 while petitioner was on his way to work. • Placed in 240 proceedings after arrest. • JJ granted bond, DHS filed autostay. • Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders release, denies DHS request to stay release to allow DHS to seek discretionary stay of release from BIA

CA4 - D. Md.	10/21/2025	Maldonado de Leon Y. Baker, 2025 WL 2888042 (D. Md. Oct 21, 2025)	1:25-cv-3084	Chuang, Theodore D.	N/A	• EWI in 2011. • Arrested in September 2025 at gas station. • Issued Warrant and NTA. • Placed in 240 proceedings. • Court considers and rejects <i>Yajure Hurtado</i>. • Court holds 1226 not 1225 applies. • Court finds failure to provide BH violates PDP right under <i>Accardal</i> doctrine given regulations requiring BH under 1226.	Grants habeas, orders P returned to Baltimore ERO for initial ICE determination under 1226 and if denied BH within 7 days; refuses to shift burden under CAA precedent
CA4 - D. Md.	10/27/2025	Pineda Velasquez v. Noem, 2025 WL 3003694 (D. Md. Oct. 27, 2025)	25-cv-3215	Russell, III, George L.	N/A	• EWI in 2000 • First arrested by ICE at Home Depot in Sept. 2025, placed him in 240 • Court waived exhaustion in part bc of <i>Yajure Hurtado</i> • Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas
CA4 - E.D. Va.	9/19/2025	Hassan v. Crawford, 2025 WL 2892255 (E.D. Va. Sept. 19, 2025)	1:25-cv-01408	Brinkema, Leone M.	• Autostay as applied violates substantive DP. • Autostay as applied violates procedural DP under <i>Mathews v. Eldridge</i>.	• EWI in 2024, detained at border with warrant, released on OREC. • In 240 proceedings. • Arrested July 2025 at a check-in. • IJ granted bond, DHS filed autostay. • Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders release
CA4 - E.D. Va.	9/29/2025	Luna Quipe v. Crawford, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025)	1:25-cv-1471	Trenga, Anthony J.	• Autostay as applied violates procedural DP under <i>Mathews v. Eldridge</i>	• EWI in 2006 • Arrested outside Home Depot in August 2025. • Placed in 240 proceedings. • IJ granted bond, DHS appealed and invoked autostay. • Court finds P's detention governed by 1226(a), not 1225(b)(2). • Finds autostay regulation is ultra vires and violates constitutional due process.	Grants habeas and orders release
CA4 - E.D. Va.	9/30/2025	Quispe-Ardiles v. Noem, 2025 WL 2783800 (E.D. Va. Sept. 30, 2025)	1:25-cv-01392	Nachmanoff, Michael S.	• Autostay as applied violates substantive DP. • Autostay as applied violates procedural DP under <i>Mathews v. Eldridge</i>.	• EWI in December 2023, arrested at the border the next day, issued NTA and released on OREC. • In 240 proceedings, asylum application pending. • Arrested at immigration court after hearing July 2025. • IJ granted bond, DHS appealed and filed autostay. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Addresses and rejects <i>Yajure Hurtado</i>.	Grants habeas and orders release
CA4 - E.D. Va.	10/14/2025	Singh v. Lyons, 2025 WL 2932635 (E.D. Va. Oct. 14, 2025)	1:25-cv-01606	Trenga, Anthony J.	N/A	• EWI May 2019. Filed for asylum June 2020. • Arrested in August 2025 • IJ denied bond • ICE subjected petitioner to § 1225(b)(2), but court held that should be subject to § 1226(a) since petitioner had been in the country for six years prior to his detention • Denial of bond hearing violated his due process rights.	Grants habeas and orders BH
CA4 - E.D. Va.	10/15/2025	Tajima v. Perry, 2025 WL 2950183 (E.D. Va. Oct. 16, 2025)	1:25-cv-01615	Nachmanoff, Michael S.	N/A	• EWI 2022, detained at border then released. • Asylum application pending, in 240 proceedings. • Local police arrested in September 2025 and charged with DUI, after arrest transferred to ICE, charge still pending. • Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders release pending a bond hearing and enjoining future detention pursuant to 235(b)(2)

CA4 - E.D. Va.	10/16/2025	<u>Hernandez-Hernandez v. Crawford</u> , 2025 WL 2940702 (E.D. Va. Oct. 16, 2025)	1:25-cv-01565-AJT-WBP	Trenga, Anthony J.	Court preemptively enjoined Respondents from invoking autostay after bond hearing	- EWI 2017, detained at border and released after put in 1229a removal proceedings 2022 removal proceedings dismissed - Arrested August 2025 in DC - Brings due process and 8th Am. cruel and unusual punishment claims - Holds 1226(a), not 1225(b), authorizes detention - Court mentions Yajure Hurtado, implicitly rejects [Note: court's decision is inconsistent re: the gov't's statutory authority argument; in one place order says 1225(b)(2)(A) and in another 1225(b)(1); regardless, court holds 1226(a) proper source of authority]	Grants habeas and orders bond hearing; enjoins gov from invoking autostay
CA4 - E.D. Va.	10/21/2025	<u>Flores Pineda v. Simon</u> , 2025 WL 2980729 (E.D. Va. Oct. 21, 2025)	1:25-cv-01616	Trenga, Anthony J.	*	*	*
CA4 - E.D. Va.	10/24/2025	<u>Yobani v. Noem</u> , 2025 WL 2897507 (E.D. Va. Oct. 24, 2025)	1:25-cv-01866	Trenga, Anthony J.	*	*	*
CA4 - E.D. Va.	10/29/2025	<u>Aguilar-Lares v. Bondi</u> , 2025 WL 2846170 (M.D.N.C. Oct. 29, 2025)	1:25-cv-01562	Brinkema, Leonie M.	N/A	- EWI'd around 2005 - Charged with petit larceny February 2025 and April 2025 - June 2025 detained by ICE officers outside courthouse after hearing; DHS charges with inadmiss. next day. - IJ determines P subject to 1226(c)(1)(E) [Laken Riley] and thus subject to mandatory detention - All criminal charges dismissed within a month - Court states because no charges currently pending, LRA does not apply to Petitioner; discusses and rejects gov assertion 1225(b)(2) applies in the alternative; holds 1226(a) applies	Grants habeas, orders prompt release from custody and a bond hearing within 14 days
CA4 - E.D. Va.	10/27/2025	<u>Duarte Escobar v. Perry</u> , 2025 WL 3006742 (E.D. Va. Oct. 27, 2025)	25-cv-758	Lauck, M. Hannah	N/A	- EWI 2008, first arrested by ICE Sept. 2025, placed in 240 - Court sua sponte raises and rejects prudential exhaustion - Court held 1226(a), not 1225(b)(2), authorizes detention.	
CA4 - M.D.N.C.	10/7/2025	<u>S.D.B.v. JOHNSON</u> , 2025 WL 2846170 (M.D.N.C. Oct. 7, 2025)	1:25-cv-882	Schroeder, Thomas D.	N/A	- EWI 2021, detained at border, then released OREC with NTA. - Applied for asylum 2022. - Detained 9/2025 while entering a military base for work (as a commercial truck driver) despite presenting valid license and EAD; ICE unaware of OREC release. - OREC release revoked 10/2/2025. - In 240 proceedings - Court held 1226(a), not 1225(b)(2), authorizes detention. - But note, Court denied relief on statutory, regulatory, and constitutional claims challenging redetention/revocation of OREC.	Grants TRO and orders bond hearing or release in 24 hours
CA4 - E.D. Va.	8/29/2025	<u>Ortiz Ventura v. Noem</u> (E.D. Va. Aug 29, 2025)			*	*	*
CA5 - W.D. La.	8/27/2025	<u>Kostak v. Trump</u> , 2025 WL 2472136 (W.D. La. Aug. 27, 2025)	1:25-cv-01429 3:25-cv-01093	Nachmanoff, Michael S. Edwards, Jerry, Jr.	N/A	- EWI in 2005. - In 240 proceedings (started in 2019). - Arrested after immigration court hearing June 2025. - Court held petitioner likely to succeed on claim that 1226(a), not 1225(b)(2), authorizes detention.	Grants TRO/PI and order bond hearing

CAG - W.D. La.	9/11/2025	Lopez Santos v. Noriega, 2025 WL 2642278 (W.D. La. Sept. 11, 2025)	3:25-cv-01193	Doughty, Terry A.	N/A	• EWI 20+ years ago. • Arrested after traffic stop near Home Depot May 2025. • Placed in 240 proceedings after arrest. • Court found 1226(a), not 1225(b)(1) or (2), authorizes detention [with significant focus on expedited removal].	Grants habeas in part and orders BH
CAG - W.D. La.	10/22/2025	Yanluna Martinez v. Truitt (W.D. La. Oct. 22, 2025)	3:25-cv-01445	Edwards, Jerry, Jr.	Autostay triggered, no discussion in opinion	• EWI 2013 • Arrested by ICE 6/2025 in MD, transferred to LA • IJ granted bond, DHS obtained autostay • On appeal, BA found petitioner subject to mandatory detention • Court finds BA erred, detention is subject to 1226, not 1225	TRO and PI granted, respondents ordered to give petitioner opportunity to post IJ bond by 10/29/2025
CAG - W.D. Tex.	9/22/2025	Lopez-Ayala v. Rina, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025)	EP-25-cv-337	Cardone, Kathleen	N/A	• EWI in 2022, detained at border, released on OREC [with a "Call-in Letter that also stated he had been "paroled into the United States"] • In 240 proceedings. • Arrested after immigration court hearing August 2025, [IJ granted ICE motion to dismiss, appeal of dismissal pending at BIA]. • After arrest, ICE served ER paperwork. • Petitioner challenged detention on DP grounds. • Court held redetention violated procedural DP under <i>Mathews v. Eldridge</i>. • Court discussed <i>Yajure Hurtado</i> and signaled agreement with decisions rejecting its reasoning.	Grants habeas in part and orders BH or alternatively release
CAG - W.D. Tex.	10/21/2025	Gonzalez Martinez v. Neem, 2025 WL 2965859 (W.D. Tex. Oct. 21, 2025)	EP-25-cv-430	Cardone, Kathleen	N/A	• EWI in 2003. • Arrested August 2025. • Acknowledges the weight of authority finding 1226, not 1225, applies, but does not resolve 1225/1226 question because finds PDF right to BH, applying <i>Mathews</i> test.	Grants habeas and orders BH where DHS bears burden
CAG - S.D. Tex.	10/7/2025	Buenafina Muniz v. Bondi, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025)	No. 4:25-cv-3726	Rosenthal, Lee H.		• EWI'd ~ 10 years ago • Arrested July 2025, placed in 240 • Court waived exhaustion, did not find <i>Yajure Hurtado</i> persuasive • Court found 1226(a), not 1225(b)(2), authorizes detention	Grants petition and orders BH
CAG - S.D. Tex.	10/8/2025	Padron Covarrubias v. Vergara, 5:25-CV-112 (S.D. Tex. Oct. 8, 2025)	5:25-cv-00112	Kazen, John A.	N/A	• EWI'd in 2001 • Arrested at rail of construction site in May 2025, placed in 240 • IJ denied bond under Q. IJ bc arrested/detained without a warrant • Court waived exhaustion • Court found 1226(a), not 1225(b)(2), authorizes detention	Grants habeas and orders release or bond hearing and notification to Court if DHS seeks autostay of IJ's bond decision
CAG - W.D. Ky.	9/19/2025	Baltran Barrera v. Indall, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025)	3:25-cv-00541	Jennings, Rebecca Grady	• Autostay violates procedural DP as applied under <i>Mathews v. Eldridge</i>	• EWI 20+ years ago. • Arrested on warrant after encounter with ICE when ICE was looking for someone else. • In 240 proceedings. • IJ granted bond, DHS filed autostay. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court discussed and rejected <i>Yajure Hurtado</i>.	Grants habeas and orders release

CA6 - W.D. Ky.	9/22/2025	Singh v. Lewis, 2025 WL 269219 (W.D. Ky. Sept. 22, 2025)	4:25-cv-00086	Jennings, Rebecca Grady	• Autostay violates procedural DP as applied under <i>Mathews v. Eldridge</i>	• EWI in 2013, seemingly placed in the ER, passed CFI. • In 240 proceedings. • Arrested July 2025 with paperwork indicating arrest was under 1226. • If granted bond, DHS filed autostay. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court discussed and rejected <i>Yajure Hurtado</i>.	Grants habeas and orders BH
CA6 - W.D. Ky.	10/9/2025	Sanchez-Ballesteros v. Noem, 2025 WL 2880831 (W.D. Ky. Oct. 9, 2025)	3:25-cv-594-RGJ	Jennings, Rebecca Grady		• EWI April 2024; ROR'd at border per 1226a • June 2025 arrested after immigration court hearing. If later granted motion to dismiss to place in ER, BIA appeal pending. • Court discusses and rejects <i>Yajure Hurtado</i>. • Court rules in favor of Petitioner on both statutory and due process grounds.	Grants habeas and orders immediate release prior to a bond hearing
CA6 - W.D. Ky.	10/15/2025	Gomez-Melia v. Wootsley, 2025 WL 2933862 (W.D. Ky. Oct. 15, 2025)	4:25-cv-82-RGJ	Jennings, Rebecca G.	N/A	• EWI in December 2022 with minor child; granted parole • Detained at ICE check-in in July 2025; placed in expedited removal proceedings, given CFI • Court holds previous decision on 1225(b)(2)(A) is nearly identical; relies on that to find that once paroled cannot later be put into expedited removal; P's detention is under 1226(a) • Court applies <i>Mathews</i> to find gov't violated Petitioner's DP rights	Grants habeas and orders immediate release prior to a bond hearing
CA6 - W.D. Ky.	10/27/2025	Contreras Orellana v. Noem, 2025 WL 3006763 (W.D. Ky. Oct. 27, 2025)	4:25-CV-112-RGJ	Jennings, Rebecca G.			*
CA6 - W.D. Ky.	10/27/2025	Martinez-Barriviera, Olson, 2025 WL 3006772 (W.D. Ky. Oct. 27, 2025)	3:25-cv-589	Boon, Clara Horn	• Autostay violates procedural DP as applied under <i>Mathews v. Eldridge</i>	• EWI 13 years ago • First arrested by ICE in June 2025, placed in 240 • If granted bond, DHS filed autostay • Court sua sponte considers exhaustion, finds not required • Court held 1226(a), not 1225(b)(2), authorizes detention, declines to	Grants habeas, order release upon posting of 1/1 bond
CA6 - E.D. Mich.	8/29/2025	Lopez-Campas v. Raycraft, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025)	2:25-cv-12486	McMillon, Brandy R.	N/A	• EWI 25+ years ago. • Arrested after traffic stop June 2025. • Placed in 240 proceedings after arrest. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court discussed and rejected <i>Yajure Hurtado</i>.	Grants habeas and orders BH or alternatively release
CA6 - E.D. Mich.	9/9/2025	Pizarro Reyes v. Raycraft, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025)	2:25-cv-12546	White, Robert J.	N/A	• EWI 20+ years ago. • Arrested with a warrant June 2025. • Placed in 240 proceedings after arrest. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court discussed and rejected <i>Yajure Hurtado</i>.	Grants habeas and orders BH or alternatively release
CA6 - E.D. Mich.	10/17/2025	Contreras-Cervantes, et al. v. Raycraft, 2025 WL 952786 (E.D. Mich. Oct. 17, 2025)	2:25-cv-13073	McMillon, Brandy R.	N/A	• 8 petitioners who EWI'd between 3 and 25 years ago. • Each petitioner arrested by CBP (minor traffic violation or no particular reason). • Placed in 240 proceedings after arrest. • Exhaustion not required. • Section 1226, not 1225, governs detention. • Detention violates PDP.	Grants habeas for all petitioners and orders immediate release or bond hearing within seven days.

CA6 - E.D. Mich.	10/17/2025	2:25-cv-13056	McMillion, Brandy R.	*	*
		Pacheco Mayen v. Raycraft, 2025 WL 2978529 (E.D. Mich. Oct. 17, 2025)			
CA6 - E.D. Mich.	10/17/2025	2:25-cv-12987	McMillion, Brandy R.	*	*
		Raycraft, 2025 WL 2977517 (E.D. Mich. Oct. 17, 2025)			
CA6 - E.D. Mich.	10/21/2025	2:25-cv-13032	McMillion, Brandy R.	N/A	Grants habeas and order release or alternatively BH
		Casio-Majia, 2025 WL 2875737 (E.D. Mich. Oct. 21, 2025)		- EWI 14+ years ago. - Arrested by DHS 2016, processed and released. - Re-arrested September 2025 with a warrant. - Placed in 240 proceedings after arrest. - Court held 1226(a), not 1225(b)(2), authorizes detention. - Court discussed and rejected <i>Yajure Hurtado</i>. - Detention without bond hearing also held to violate PDP.	
CA6 - E.D. Mich.	10/21/2025	2:25-cv-13188	McMillion, Brandy R.	*	*
		Santos Franco v. Raycraft, 2025 WL 2977118 (E.D. Mich. Oct. 21, 2025)			
CA6 - E.D. Mich.	10/21/2025	2:25-cv-13094	Ludington, Thomas L.	N/A	Grants habeas and orders BH
		Contreras-Lomeli v. Raycraft, 2025 WL 2975739 (E.D. Mich. Oct. 21)		- Resided in U.S. since 2003 - Detained in Aug. 2025, after police arrest for unlicensed operation - Denied BH under 1225(b)(2) - Court finds exhaustion unnecessary post-Yajure Hurtado - Court affirms 1226 not 1225(b)(2) governs	
CA6 - E.D. Mich.	10/27/2025	2:25-cv-12826	Kumar, Shalina D.	N/A	Grants habeas and orders BH
		Gimenez Gonzalez v. Raycraft, 2025 WL 3006185, at *1 (E.D. Mich. Oct. 27, 2025)		"Arrived" in Oct. 2023 - Arrested at barbershop in Chicago in Sept. 2025 - Court finds exhaustion unnecessary post-Yajure Hurtado - Court affirms P is subject to 1226 not 1225(b)(2) - Grants habeas, orders BH	
CA6 - W.D. Mich.	10/17/2025	1:25-cv-1090	Beckerling, Jane M.	N/A	Grants habeas and orders bond hearing
		Sanchez Alvarez v. Noem, 2025 WL 2942548 (W.D. Mich. Oct. 17, 2025)		- EWI'd in 2004. - Detained in August 2025 after a traffic stop, warrant provided. - Exhaustion not required for court to rule on habeas petition. - Court held 1226, not 1225, applies. - Detention also violates PDP under <i>Mathews v. Eldridge</i>.	
CA6 - W.D. Mich.	10/24/2025	1:25-cv-1131	Maloney, Paul L.	N/A	Grants habeas and orders BH; Declines to enter no transfer order
		Rodriguez Carmona v. Noem, 2025 WL 2992222 (W.D. Mich. Oct. 24, 2025)		- EWI in Sept. 2023 - Apprehended two weeks after entry, served NTA, ROR'd - Pending asylum application - Arrested playing basketball in Chicago in Sept. 2025 - Court finds exhaustion unnecessary post-Yajure Hurtado - Court affirms P is subject to 1226 not 1225(b)(2) - Court notes no asylum application filed before Sept. 2025 arrest, so was not "seeking admission" through asylum at that time	

CA6 - W.D. Mich.	10/28/2025	Puerto-Hernandez v. Lynch, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025)	1:25-CV-1087	Maloney, Paul L.	• Autostay violates procedural DP as applied under <i>Mathews v. Eldridge</i>	• EWI 2019 as a child with mother, encountered by USBP at entry and served with NTA • Pending SIJ application (7/2025) • Detained by ICE 8/2025 • At bond hearing, IJ granted bond; DHS invoked autostay and appealed • Court finds 1226(a), not 1225, governs detention	Grants habeas, orders immediate release on IJ bond
CA6 - W.D. Mich.	10/29/2025	Cervantes Rodriguez v. Noem, 2025 WL 3022212 (W.D. Mich. Oct. 29, 2025)	1:25-CV-1186	Maloney, Paul L.	N/A	• EWI in 1999 • 4 subsequent encounters with USBP, voluntarily returned to Mexico • Arrested in Oct. 2025, issued NTA, served with I-200 and I-286 • Court finds no need for exhaustion post-Yajure Hurtado • Court concludes 1226, not 1225(b)(2) governs detention • Court applies Mathews to conclude detention violated PDP	Grants habeas and orders BH
CA6 - W.D. Mich.	10/29/2025	Marin Garcia v. Noem, 2025 WL 3017200 (W.D. Mich. Oct. 29, 2025)	1:25-CV-1271	Beckering, Jane M.	N/A	• EWI 2001. • Apprehended February 2025 upon return from Puerto Rico. • Placed in 240 proceedings after arrest. • Chavez stated fear of persecution in Mexico • IJ denied bond, petitioner appealed. • While on appeal, BIA issued <i>Matter of Yajure Hurtado</i> , BIA dismissed appeal for lack of jx. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Discussed and rejected <i>Yajure Hurtado</i> . • Dismissal of bond appeal on jx grounds violated DP.	Recommends granting habeas and ordering BH
CA6 - N.D. Ohio	10/20/2025	Martinez Chavez v. Direction, 2025 WL 2959617 (N.D. Ohio Oct. 20, 2025) (report and recommendation)	4:25-cv-02061	Shepherd, Reuben J.,	N/A	• EWI in 2023; apprehended by DHS soon after entering • Placed in removal proceedings, then RORD • DHS moved to dismiss removal proceedings to place him in ER - petitioner detained at courthouse • Plain text of 1225(b)(2)(A) provides that mandatory does not apply to noncitizens already in the country • Because 1225(b)(2)(A) does not apply to petitioner, subjecting him to mandatory detention under 1225(b)(2) is a violation of due process	Grants habeas and orders bond hearing
CA7 - N.D. Ill.	10/16/2025	Ortiza Quiroz v. Noem, No. 25 CV 10865, 2025 WL 2538779 (N.D. Ill. Oct. 16, 2025)	1:25-cv-10865	Jenkins, Lindsay C.	N/A	• EWI in 2022; encountered CBP at border (but detention at border not clear). • Arrested at ICE check-in September 2025. • Placed in 240 proceedings after arrest. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court discussed and rejected <i>Yajure Hurtado</i> . • Redetention without bond hearing violated PDP.	Grant habeas and orders BH or alternatively release, and enjoins transfer outside of Illinois/Wisconsin/Indiana
CA7 - N.D. Ill.	10/20/2025	H.G.V.J. v. Smith, 2025 WL 2962610 (N.D. Ill. Oct. 20, 2025)	25-cv-10931	Coleman, Sharon Johnson	N/A	• EWI 25+ years ago. • Arrested September 2025. • Placed in 240 proceedings after arrest. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Detention without bond hearing also held to violate PDP.	Grants habeas and orders bond hearing
CA7 - N.D. Ill.	10/21/2025	Mariano Miguel v. Noem, 2025 WL 2976180 (Oct. 21, 2025)	25-cv-11137	Alonso, Jorge L.	N/A	• EWI 25+ years ago. • Arrested September 2025. • Placed in 240 proceedings after arrest. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Detention without bond hearing also held to violate PDP.	Grants habeas and orders bond hearing
CA7 - N.D. Ill.	10/22/2025	Perez Padilla v. Noem, 2025 WL 2977742 (N.D. Ill. Oct. 22, 2025)	25-cv-12462	Coleman, Sharon Johnson	N/A	• EWI 25+ years ago. • Arrested September 2025. • Placed in 240 proceedings after arrest. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Detention without bond hearing also held to violate PDP.	Grants habeas and orders bond hearing

CA7 - N.D. Ill.	10/24/2025	<i>Patel v. Crowley</i> , 2025 WL 2996787 (N.D. Ill. Oct. 24, 2025)	25-C-11180	Cummings, Jeffrey	N/A	• EWI in 2022, arrested by CBP upon entry and released on ROR. • Arrested at ICE check-in in July 2025. • Placed in 240 proceedings after arrest. • Court found that Petitioner has always been detained under 1226(a); and should not convert to 1225(b)(2)(A). • <i>Yajure Hurtado</i> is unpersuasive.	Grants habeas and orders a bond hearing.
CA7 - N.D. Ill.	10/27/2025	<i>Amigon Sanchez v. Olson</i> , 2025 WL 3004580 (N.D. Ill. Oct. 27, 2025)	25-cv-12453	Jenkins, Lindsay C.	*	*	*
CA7 - N.D. Ill.	10/29/2025	<i>Corbin Diaz v. Olson</i> , 2025 WL 3022170 (N.D. Ill. Oct. 29, 2025)	25-CV-12141	Shah, Manish S.	N/A	• EWI in 1999. • Married US citizen with 4 USC children. • Arrested in October 2025 at weigh station after inspection by police. • Court held 1226(a), not 1225(b), governs detention. • Discussed and rejected <i>Yajure Hurtado</i>.	Grants habeas and orders bond hearing
CA7 - S.D. Ind.	9/22/2025	<i>Campos Leon v. Forestal</i> , 1:25-cv-01174-2025 WL 2694763 (S.D. Ind. Sept. 22, 2025)	1:25-cv-01174	Barker, Sarah Evans	• Autostay reg is <i>ultra vires</i>.	• EWI in 2005. • Arrested 2025 and charged with drunken driving, then taken into ICE custody with warrant. • Placed in 240 proceedings after arrest. • IJ granted bond, DHS filed autostay. • Court held petitioner likely to succeed on claim that 1226(a), not 1225(b)(2), authorizes detention. • Court discussed and rejected <i>Yajure Hurtado</i>.	Grants habeas and orders release
CA7 - S.D. Ind.	10/8/2025	<i>B.D.V.S. v. Forestal</i> , 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025)	25-cv-01968	Barker, Sarah Evans	• Autostay reg is <i>ultra vires</i>. • Discretionary stay request irrelevant bc BIA had not yet granted.	• EWI in 2018, apprehended upon crossing border, RORed. • Denied asylum in 240, merits appeal pending at BIA. • ICE arrested June 2025 pursuant to a warrant. • IJ granted bond, DHS filed autostay, post habeas, sought discretionary stay. • Court relied on reasoning in <i>Campos Leon</i> and fact of arrest pursuant to warrant, held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders release in accordance w/ IJ's bond order
CA7 - S.D. Ind.	10/11/2025	<i>Alejandro v. Olson</i> , 2025 WL 2896348 (S.D. Ind.)	1:25-cv-02027	Hanton, J. Patrick	N/A	• EWI'd 2001 • September 2025 arrested on criminal charges that were later dismissed, then arrested by ICE; issued warrant and NTA • Court found 1226 applies, not 1225(b)(2). • Distinguishes two negative decisions.	Grants preliminary injunction and orders release
CA7 - E.D. Wis.	10/29/2025	<i>Ramirez Valverde v. Olson</i> , 2025 WL 3022700 (E.D. Wis. Oct. 29, 2025)	25-CV-1502	Conway, Byron B.	NA	• EWI in 2022 • Detained Sept. 2025 • Court concludes 1226, not 1225(b)(2), governs detention	Grants habeas and orders BH
CA8 - N.D. Iowa	9/23/2025	<i>Giron Reyes v. Lyons</i> , 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025)	C25-4048	Strand, Leonard T.	N/A	• EWI in 2005. • Arrested by ICE in July 2025 after backing car into an ICE vehicle. • Placed in 240 proceedings. • The Court finds that 1225(b)(2)(A) is inapplicable, but does not specifically rule that 1226(a) applies because the Government conceded that petitioner would be eligible for a bond hearing if 1225(b)(2)(A) did not apply. • Mentions <i>Yajure Hurtado</i>, finding exhaustion before BIA would be futile. • Detention violated petitioner's due process rights.	Grants habeas and orders bond hearing

CA8 - N.D. Iowa	10/27/2025	Garcia Picazo, v. Sheehan, 2025 WL 3006188 (N.D. Iowa Oct. 27, 2025)	C25-4057-LJS-MAR	Strand, Leonard T.	*		
CA8 - S.D. Iowa	9/10/2025	Hernandez-Marcelo v. Trump (S.D. Iowa Sept. 10, 2025)	3:25-cv-00094	Ebinger, Rebecca Goodgame	N/A	• EWI in 2021. • Arrested July 2025 for driving under suspension. • Placed in 240 proceedings after arrest. • Court held petitioner likely to succeed on claim that 1226(a), not 1225(b)(2), authorizes detention. • Court discussed and rejected <i>Yajure Hurtado</i>.	Grants PI and orders bond hearing
CA8 - S.D. Iowa	9/23/2025	Enio Barraljos v. Noom. No. 4:25-cv-00322 (S.D. Iowa Sept. 23, 2025)	4:25-cv-00322	Locher, Stephen H.	N/A	• EWI in early 2000s. • Arrested in June 2025 for contempt of court. • Placed in 240 proceedings after arrest. • Court held petitioner likely to succeed on claim that 1226(a), not 1225(b)(2), authorizes detention. • Court discussed and rejected <i>Yajure Hurtado</i>.	Grants PI and orders bond hearing
CA8 - S.D. Iowa	9/30/2025	Santiago Halabun v. Williams, 4:25-cv-00349 (S.D. Iowa Sept. 30, 2025)	4:25-cv-00349	Locher, Stephen H.	N/A	• EWI in May 2024. • Detained at border and released on recognizance. • Placed in 240 proceedings. • Arrested, detained in state custody in July 2025 following alleged shoplifting charge. • Charges dismissed; transferred to ICE detention and mandatorily detained per 1226(c)'s Laken Riley Act amendments. • Court rejected govt's 1225(b)(2) arguments. • Court rejected govt's Laken Riley Act arguments; finding the term "is charged" means presently.	Grants habeas and orders bond hearing
CA8 - D. Minn.	8/15/2025	Maldonado v. (Issa), 2025 WL 2374411 (D. Minn. Aug. 15, 2025)	0:25-cv-03142	Nelson, Susan Richard	• Autostay violates procedural DP as applied under <i>Mathews v. Eldridge</i>	• EWI in 2016 as a UAC. • In 240 proceedings. • IJ granted bond, DHS filed autostay. • Court held 1226 applies, 1225 is for non-citizens seeking entry into the US.	Grants TRO/PI and orders release
CA8 - D. Minn.	8/27/2025	O.E. v. Bondi, 2025 WL 2466670 (D. Minn. Aug. 27, 2025)	0:25-cv-03051	Tostrud, Eric C.	N/A	• EWI in 2014. • In 240 proceedings. • Court held 1226 applies based on arrest paperwork and NTA. • Distinguished <i>Matter of Q. Li</i> on the grounds that it concerned noncitizens "arrested and detained without a warrant."	Grants habeas and orders bond hearing
CA8 - D. Minn.	8/29/2025	Francisco T. v. Bondi, 2025 WL 202849 (D. Minn. Aug. 29, 2025)	0:25-cv-03219	Bryan, Jeffrey M.	N/A	• EWI 10+ years ago. • Arrested July 2025 at a gas station. • Placed in 240 proceedings after arrest. • Court held petitioner likely to succeed on claim that 1226(a), not 1225(b)(2), authorizes detention.	Grants PI and orders bond hearing
CA8 - D. Minn.	10/1/2025	Belkat D.S. v. Bondi, 2025 WL 2802947 (D. Minn. Oct. 1, 2025)	0:25-cv-3682	Menendez, Katherine	N/A	• EWI as a child in 1990. • DACA recipient since 2014. • Arrested in August 2025; served NTA and arrest warrant. • Finds P is being detained under 1226(a), rejecting govt's 1225(b)(2) statutory argument. • Note: Court's holding not dependent on fact that P is a DACA recipient.	Grants habeas and orders bond hearing

CA8 - D. Minn.	10/8/2025	A.A. v. Olson, 2025 WL 2869778 (D. Minn.)	25-3381	Blackwell, Jerry W.	• Autostay violates procedural DP under Mathews	• EWI in 2003 • Detained by ICE in 2013, traffic violation, released OREC under 1226 • Case administratively closed in 2014 • Detained 8/2025. IJ granted bond, DHS filed autostay • Court finds exhaustion futile given <i>Yajure Hurtado</i> • Court holds 1226, not 1225(b)(2) governs detention	Grants habeas and orders release under IJ's bond order
CA8 - D. Minn.	10/21/2025	Herrera Avila v. Bondi, No. 25-cv-03741 (D. Minn. Oct. 21, 2025)	0:25-cv-03741	Tunheim, John R.	N/A	• EWI in 2016. • Arrested August 2025 during traffic stop. • NTA issued after arrest, in 240 proceedings. • Court acknowledges and rejects <i>Yajure Hurtado</i>. • Court holds 1226, not 1225(b)(2) governs detention.	Grants habeas and orders a bond hearing, or in the alternative release, and enjoining removal and transfer before bond hearing without consent from the court
CA8 - D. Neb.	8/14/2025	Garcia Jimenez v. Kramer, 2025 WL 2374223 (D. Neb. Aug. 14, 2025)	4:25-cv-03162	Bataillon, Joseph F.	• Autostay reg is ultra vires. • Autostay violates procedural DP as applied under Mathews v. Eldridge	• EWI on date unspecified. • Arrested by ICE in worksite raid in June 2025. • Placed in 240 proceedings. • IJ granted bond; DHS invoked autostay. • Court held 1226 likely applies and 1225(b)(2) inapplicable, but decides the case on the autostay issue.	Grants habeas and orders release
CA8 - D. Neb.	8/14/2025	Anicasio v. Kramer, 2025 WL 2374224 (D. Neb. Aug. 14, 2025)	4:25-cv-03158	Bataillon, Joseph F.	• Autostay reg is ultra vires. • Autostay violates procedural DP as applied under Mathews v. Eldridge	• EWI on date unspecified. • Arrested by ICE in worksite raid in June 2025. • Placed in 240 proceedings. • IJ granted bond; DHS invoked autostay. • Court held 1226 likely applies and 1225(b)(2) inapplicable, but decides the case on the autostay issue.	Grants habeas and orders release
CA8 - D. Neb.	8/19/2025	Jacinto v. Trump, 2025 WL 2402271 (D. Neb. Aug. 19, 2025)	4:25-cv-03161	Bataillon, Joseph F.	• Autostay reg is ultra vires. • Autostay violates procedural DP as applied under Mathews v. Eldridge	• EWI on date unspecified. • Arrested by ICE in worksite raid in June 2025. • Placed in 240 proceedings. • IJ granted bond; DHS invoked autostay. • Court held 1226 likely applies and 1225(b)(2) inapplicable, but decides the case on the autostay issue.	Grants habeas and orders release
CA8 - D. Neb.	9/3/2025	Camacho-Lorenzo v. Trump, 2025 WL 2531521 (D. Neb. Sept. 3, 2025)	4:25-cv-03172	Bataillon, Joseph F.	• Autostay reg is ultra vires. • Autostay violates procedural DP as applied under Mathews v. Eldridge	• EWI on date unspecified. • Arrested by ICE in worksite raid in June 2025. • Placed in 240 proceedings. • IJ granted bond; DHS invoked autostay. • Court held 1226 likely applies and 1225(b)(2) inapplicable, but decides the case on the autostay issue.	Grants habeas and orders release
CA8 - D. Neb.	9/9/2025	Cortes Hernandez v. Lyons, 2025 WL 2531539 (D. Neb. Sept. 3, 2025)	8:25-cv-00506	Bataillon, Joseph F.	• Autostay reg is ultra vires. • Autostay violates procedural DP as applied under Mathews v. Eldridge	• EWI on date unspecified. • Arrested by ICE in worksite raid in June 2025. • Placed in 240 proceedings. • IJ granted bond; DHS invoked autostay. • Court held 1226 likely applies and 1225(b)(2) inapplicable, but decides the case on the autostay issue.	Grants habeas and orders release
CA8 - D. Neb.	9/9/2025	Palma Perez v. Barfk. 2025 WL 2531566 (D. Neb. Sept. 3, 2025)	8:25-cv-00494	Bataillon, Joseph F.	• Autostay reg is ultra vires. • Autostay violates procedural DP as applied under Mathews v. Eldridge	• EWI on date unspecified. • Arrested by ICE in worksite raid in June 2025. • Placed in 240 proceedings. • IJ granted bond; DHS invoked autostay. • Court held 1226 likely applies and 1225(b)(2) inapplicable, but decides the case on the autostay issue.	Grants habeas and orders release

CAB - D. Neb.	9/11/2025	Lorenza Perez v. Kraneir, 2025 WL 2624387 (D. Neb. Sept. 11, 2025)	Bataillon, Joseph F.	- Autostay reg is ultra vires. - Autostay violates procedural DP as applied under Mathews v. Eldridge	- EWI on date unspecified. - Arrested by ICE in worksite raid in June 2025. - Placed in 240 proceedings. - IJ granted bond; DHS invoked autostay. - Casts doubt on the 1225(b)(2) issue, but doesn't decide the issue. - Mentions <i>Yajure Hurtado</i> : the decision "represents a stark departure" from precedent.	Grants habeas and orders release
CAB - D. Neb.	9/11/2025	Ozuna Carlton v. Kraneir, 2025 WL 2624386 (D. Neb. Sept. 11, 2025)	Bataillon, Joseph F.	- Autostay reg is ultra vires. - Autostay violates procedural DP as applied under Mathews v. Eldridge	- EWI on date unspecified. - Arrested by ICE in worksite raid in June 2025. - Placed in 240 proceedings. - IJ granted bond; DHS invoked autostay. - Casts doubt on the 1225(b)(2) issue, but doesn't decide the issue. - Mentions <i>Yajure Hurtado</i> : the decision "represents a stark departure" from past practice.	Grants habeas and orders release
CAB - D. Neb.	9/11/2025	Genchi Palma v. Trump, 2025 WL 2624385 (D. Neb. Sept. 11, 2025)	Bataillon, Joseph F.	- Autostay reg is ultra vires. - Autostay violates procedural DP as applied under Mathews v. Eldridge	- EWI on date unspecified. - Arrested by ICE in worksite raid in June 2025. - Placed in 240 proceedings. - IJ granted bond; DHS invoked autostay. - Casts doubt on the 1225(b)(2) issue, but doesn't decide the issue. - Mentions <i>Yajure Hurtado</i> : the decision "represents a stark departure" from past practice.	Grants habeas and orders release
CAB - D. Neb.	9/18/2025	Duenas Arca v. Trump, 2025 WL 2675924 (D. Neb. Sept. 18, 2025)	Bazis, Susan M.	- Autostay reg is ultra vires. - Autostay violates procedural DP as applied under Mathews v. Eldridge	- EWI in 2001. - Detained in June 2025, following a traffic stop, and was arrested by ICE the next day. - Placed in 240 proceedings. - IJ granted bond; DHS invoked autostay. - The Court doesn't specifically rule on the statutory question, instead finding that the automatic stay violated the portoner's due process rights. - Mentions <i>Yajure Hurtado</i> : the decision "represents a stark departure" from past practice.	Grants habeas and orders release
CAS - D. Ariz.	8/11/2025	Pokado v. Figueroa, 2025 WL 2337099 (D. Ariz., Aug. 11, 2025)	Bihles, Camille D.	N/A	- Placed in 240 proceedings. - Detained by ICE in April 2025, when officers came to arrest her son. 1228(a) applies, not 1225; petitioner was conditionally paroled or released on recognizance into the U.S. when DHS released her pending removal proceedings, making 1225 inapplicable. - Petitioner's due process rights are violated by the detention.	Grants habeas and orders bond hearing
CAS - D. Ariz.	10/3/2025	Echevarria v. Bonfil, 2025 WL 2821282 (D. Ariz., Oct. 3, 2025)	Lanza, Dominic W.	N/A	- Petitioner is from El Salvador and EWI'd in 2001; voluntarily returned to Mexico. - EWI'd again in late 2001. - DUI convictions in 2011 and 2019. - Arrested in 2025 and detained under 1225(b). - The 24 year period petitioner resided in the U.S. made the plain language of 1225(b) inapplicable to him, because at the time of arrest a immigration officer was not "examining" him and he was not "seeking" admission. - Present tense interpretation of the statute. - Court gives credence to <i>Jennings</i> and <i>Nielsen</i> to hold that placing petitioner under 1228(a) aligns better with the entire statutory scheme.	Preliminary injunction was granted, as well as the habeas.

CA9 - N. Ariz.	10/17/2025	Bentley-Gonzalez v. Cantu, 2025 WL 2992211 (N. Ariz. Oct. 17, 2025).	2:25-cv-03672	Tuchi, John I.	N/A	• EWI 2000. • Cited <i>Echevarria</i>, holding that 1226(a) applied, not 1225(b)(2). • Court also credited the Notice of Custody Determination which stated he was detained under 1226(a).	Grants habeas and orders bond hearing.
CA9 - C.D. Cal.	8/15/2025	Arozalva-Gonzalez v. Noem, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025).	5:25-cv-01789	Wright, Otis D. II	N/A	• Two petitioners; both EWI'd. • Picked up in June 2025 as a part of a "widescale immigration enforcement action". • Finds 1226(a), not 1225(b)(2) applies to nonadmissible noncitizens.	Grants TRO and orders bond hearing
CA9 - C.D. Cal.	9/8/2025	Zaragoza Mosqueda et al. v. Noem, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025).	5:25-cv-02304	Snyder, Christina A.	N/A	• 8 petitioners, each of whom EWI'd. • Denied bond under 1225(b)(2). • Finds 1226(a), not 1225(b)(2) applies to nonadmissible noncitizens. • Court holds that Petitioners are likely to succeed on their 1225(b)(2) argument that it includes inadmissible noncitizens. • <i>Yajure Hurtado</i> renders requiring prudential exhaustion futile.	Grants TRO and orders bond hearing
CA9 - C.D. Cal.	10/22/2025	Gomez Garcia v. Noem, 2025 WL 2986672 (C.D. Cal. Oct. 22, 2025).	5:25-cv-02771	Wright, Otis D. II	*	*	*
CA9 - E.D. Cal.	9/9/2025	Cuevas Guzman v. Andrews, 2025 WL 2817256 (E.D. Cal. Sept. 9, 2025).	1:25-cv-01015	Sherriff, Kirk E.	N/A	• EWI more than 30 years ago. • Committed three DV-related misdemeanors between 2000 and 2011. • Detained and released on bond in 2011; removal proceedings admin closed in 2014. • Arrested by ICE in January 2025 on an arrest warrant; II conducted bond hearing and denied bond. • In July, P filed bond motion again; this time, II said no jurisdiction because P detained under 1225(b). • Court found that 1226(a) applied based on statutory language and number of times DHS/ICE represented he was detained under 1226(a). • Detention also violated due process per <i>Mathews v. Eldridge</i>.	Grants PI and orders release
CA9 - E.D. Cal.	9/23/2025	Guerrero Lopez v. Andrews, 2025 WL 2718910 (E.D. Cal. Sept. 23, 2025).	1:25-cv-01163	Sherriff, Kirk E.	N/A	• EWI more than 30 years ago. • Arrested in July 2025 after being stopped on the street in pursuit of someone else. • Placed in 240 proceedings. • Extensive discussion of the statutory scheme, concluding that 1226(a), not 1225(b)(2), authorizes detention. • Court discussed and rejected <i>Yajure Hurtado</i>, citing <i>Loper Bright</i>. • Court finds due process violation per <i>Mathews v. Eldridge</i>. • Exhaustion not required. • Note unfavorable decision by Judge Sheriff where Petitioner was apprehended upon entry in released on 212(d)(5) parole, <i>Huaman Villanueva v. Chestnut</i>, 2025 WL 2996559	Grants habeas and orders release
CA9 - E.D. Cal.	10/9/2025	Ortiz Denis v. Chestnut, 2025 WL 2979514 (E.D. Cal. Oct. 9, 2025).	1:25-cv-01228	Thurston, Jennifer L.	N/A	• EWI May 2005 • Petitioner given NTA on day of entry; did not receive further notices from imm court; ordered removed in absentia in 2006 • Arrested outside home in June 2025 • Court discusses and rejects <i>Yajure</i>, noting many other DCs have • Rules in Petitioner's favor on statutory and due process grounds, relying on other courts' reasoning	Grants PI and orders release; enjoins from re-detention without pre-deprivation hearing

CA9 - E.D. Cal.	10/16/2025	J.S.H.H. v. Wolford, 2025 WL 2938808 (E.D. Cal. Oct. 16, 2025)	1:25-CV-01309	Thurston, Jennifer L.	N/A	• EWI 2022. • Detained at border, released under 212(d)(5) discretionary parole into ATD on the government program. • In 240 proceedings, asylum application pending. • Disputed facts about whether petitioner had complied with ATD requirements. • Redetained September 2025 at ICE checkin. • Court held that 1225(a), not 1225(b), governs detention. • Court found likelihood of success on merits that continued detention violates PDP.	Grants PI and orders bond hearing with BOP on the government
CA9 - E.D. Cal.	10/17/2025	Sahil Paley v. Chestnut, 2025 WL 2958346 (E.D. Cal. Oct. 17, 2025)	1:25-cv-01342	Thurston, Jennifer L.	N/A	• EWI 2021, detained and border and ROR'd. • Asylum application and family-based petition both pending. • Arrested August 2025 after inquiring at ICE office about status of her asylum application. • DHS issued ER order, passed CFI, put in 240. • IJ found no bond JX under <i>Yajure Hurtado</i>. • Court held 1225(a), not 1225(b), applied, bc already present in country, and docs say 1226 • Finds likelihood of success on DP claim under <i>Mathews</i>	Grants PI and orders release without electronic monitoring, enjoins from re-detention without pre-deprivation hearing with shifted BOP
CA9 - E.D. Cal.	10/17/2025	Merajulhaq Sanchoz v. Wolford, 2025 WL 2959274 (C.D. Cal. Oct. 17, 2025)	1:25-cv-1187	Oberto, Sheila K. (Magistrate Judge)	N/A	• EWI 20+ years ago. • Briefly detained at the border then ROR'd. • In 240 proceedings. • June 2025 arrested outside work on a warrant pursuant to 236. • August 2025 IJ granted bond, gov't appealed, then IJ reversed bond after <i>Yajure Hurtado</i>. • Court held 1226, not 1225, governs.	Grants TRO and orders release
CA9 - E.D. Cal.	10/27/2025	J.A.E.M. v. Wolford, 2025 WL 3013377 (E.D. Cal. Oct. 27, 2025)	1:25-CV-01360	Sheriff, Kirk	*	*	*
CA9 - E.D. Cal.	10/27/2025	J.A.C.P. v. Wolford, 2025 WL 3013328 (E.D. Cal. Oct. 27, 2025)	1:25-CV-01364	Sheriff, Kirk	*	*	*
CA9 - N.D. Cal.	9/3/2025	Hernandez Nieves v. Kaiser, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025)	3:25-cv-06921	Beeler, Laurel	N/A	• EWI in 2024; released on recognizance. • Placed in 240 proceedings. • Gov't moved to dismiss 240 proceedings and placed Petitioner in expedited removal proceedings under 1225(b)(1). • Court rejected placement in ER proceedings, noting that petitioner was released under 1226. • Court held that once released, due process requires hearing before an IJ before re-detention.	Grants PI, enjoins gov from re-detaining P without notice and a pre-deprivation hearing
CA9 - N.D. Cal.	9/9/2025	Calcedo Hinesloza v. Kaiser, 2025 WL 2866983 (N.D. Cal. Sept. 9, 2025)	3:25-cv-07559	Donato, James	N/A	• Three petitioners; each EWI'd. • Each petitioner apprehended at the border and released on recognizance. • Gov't moved to dismiss 240 proceedings, IJ denied dismissal; gov't put Ps in ER proceedings under 1225(b)(1). • Due Process Clause requires a pre-deprivation hearing before re-detention.	Grants TRO and order release; gov't may not re-detain without pre-deprivation hearing
CA9 - N.D. Cal.	9/12/2025	Salcedo Arriola v. Kaiser, 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025)	3:25-cv-06924	Chen, Edward M.	N/A	• EWI in 2024, apprehended, released on OREC, in 240 proceedings. • Detained at immigration court in 2025. • Court held petitioner likely to succeed on claim that 1226(a), not 1225(b)(2), authorizes detention. • Court discussed and rejected <i>Yajure Hurtado</i>.	Grants PI, having previously ordered release in TRO, enjoins redetention without a pre-deprivation hearing and removal pending proceedings

CA9 - N.D. Cal.	9/16/2025	Pablo Sequero v. Kaiser, 2025 WL 2650637 (N.D. Cal. Sept. 16, 2025), subsequent decision 2025 WL 2835630 (N.D. Cal. Oct. 15, 2025)	Pitts, P. Casey	N/A	- EWI in 2023, detained near border 1 week after entry and ROR'd. - In 240 proceedings, arrested July 2025 at immigration court after ICE moved to dismiss to place in ER, but IJ has not yet granted dismissal. - Procedural DP challenge to detention without pre-deprivation hearing. - In the course of procedural DP analysis, court held that 1226(a), and not 1225(b)(2), authorizes detention. Subsequent decision - grants PI	Grants PI, having previously ordered release in TRO, enjoining redetention without a pre-deprivation hearing with BOP on the government.
CA9 - N.D. Cal.	9/18/2025	Castellanos v. Kaiser, 2025 WL 2689883 (N.D. Cal. Sept. 18, 2025)	Thompson, Trina L.	N/A	5 petitioners, EWI'd in 2023 or 2024, detained and ROR'd at border. - In 240 proceedings, arrested September 2025 at immigration court after ICE moved to dismiss to place in ER, but IJ has not yet granted dismissal. - Procedural DP challenge to detention without pre-deprivation hearing. - In the course of procedural DP analysis, court held petitioners likely to succeed on argument that 1226(a), and not 1225(b)(2), authorizes detention.	Grants TRO, orders immediate release and enjoins redetention without pre-deprivation hearing, and enjoining removal until further order of the court
CA9 - N.D. Cal.	9/18/2025	Oliveros v. Kaiser, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025)	Freeman, Beth Labson	N/A	- EWI in 2023, detained and ROR'd at border. - In 240 proceedings, arrested August 2025 at immigration court after ICE moved to dismiss to place in ER, but IJ has not yet granted dismissal. - Procedural DP challenge to detention without pre-deprivation hearing. - In the course of procedural DP analysis, court held that 1226(a), and not 1225(b)(2), authorizes detention, adopting the reasoning in <i>Aceros v. Kaiser</i>.	Grants PI, having previously ordered release in TRO, enjoining redetention without a pre-deprivation hearing with BOP on the government, enjoining transfer and outside of district pending proceedings
CA9 - N.D. Cal.	9/25/2025	Roa v. Albarani, 2025 WL 2732923 (N.D. Cal. Sept. 25, 2025)	Seaborg, Richard	N/A	8 petitioners, EWI'd in 2023, detained and ROR'd at border. - In 240 proceedings, arrested September 2025 at immigration court after ICE moved to dismiss to place in ER, but IJ has not yet granted dismissal. - Procedural DP challenge to detention without pre-deprivation hearing. - In the course of procedural DP analysis, court held that 1226(a), and not 1225(b)(2), authorizes detention. - Court discussed and rejected <i>Yajure Hurtado</i>.	Grants PI, having previously ordered release in TRO, enjoining redetention without a pre-deprivation hearing and removal pending proceedings
CA9 - N.D. Cal.	9/26/2025	Valencia Zapata v. Kaiser, 2025 WL 2741654 (N.D. Cal. Sept. 26, 2025)	Lin, Rita F.	N/A	4 petitioners, EWI'd in late 2023 and early 2024, detained and ROR'd at border. - In 240 proceedings, arrested at immigration court after ICE moved to dismiss to place in ER, but IJ has not yet granted dismissal. - Procedural and substantive DP challenge to detention without pre-deprivation hearing. - In the course of procedural DP analysis, court holds that 1226(a), and not 1225(b)(2), authorizes detention.	Grants PI, having previously ordered release in TRO, enjoining redetention without a pre-deprivation hearing and removal pending proceedings

CA9 - N.D. Cal.	10/3/2025	Cordero Pellico v. Kaiser, 25-cv-07286-EMC 2025 WL 2822876 (N.D. Cal. Oct. 3, 2025)	Chen, Edward M.	N/A	5 petitioners, each EWI'd. - Each initially detained by DHS, charged under 1182(a)(6)(A)(i) and released in TRO, enjoining redetention without a pre-deprivation hearing and removal pending proceedings - Each has pending asylum claim. - Petitioners arrested in hallway by ICE after leaving immigration court August 2025. - Court ruled in Petitioners' favor, largely on due process grounds. - Govt argued 1225(b)(2) applies; court rejects. - Court held 1226(a), not 1225(b), authorizes detention. - Court discussed and rejected <i>Yajure Hurtado</i>, citing <i>Loper Bright</i>. - Court additionally pre-deprivation hearing is warranted	Grants PI, having previously ordered release in TRO, enjoining redetention without a pre-deprivation hearing and removal pending proceedings
CA9 - N.D. Cal.	10/9/2025	Alvarez Chavez v. Kaiser, 2025 WL 2509526 (N.D. Cal.)	Beeler, Laurel	Notes that autostay was invoked, but does not address legality of autostay	- EWI in or around 1997 - Married to US citizen; applied for adjustment of status in 2024 - Aug. 2025 arrested by ICE pursuant to imm warrant - Sept. 2025 II gave bond per 1226(a); DHS filed autostay; new II order denies bond after Yajure Hurtado comes out - Courts finds strong likelihood of success that 1226(a) applies, not 1225(b)(2)(A) - Discusses and rejects Yajure, noting many other DCs have as well	Grant of TRO
CA9 - S.D. Cal.	9/3/2025	Vasquez Garcia v. Noem, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025)	Sabraw, Dana M.	N/A	- Multi-petitioner habeas: Plaintiff #1 EWI (unknown date); Plaintiff #2 EWI in 2022; Plaintiff #3 EWI in 2021 - Denied bond under 1225(b)(2) - Finds 1226(a), not 1225(b)(2) applies to nonadmissible noncitizens. - Court holds that Petitioners are likely to succeed on their 1225(b)(2) argument that it includes inadmissible noncitizens.	Grants habeas and orders BH
CA9 - S.D. Cal.	9/17/2025	Valdovinos v. Noem, No. 3:25-cv-2439 (text of re: Robinson, Todd W.)	Robinson, Todd W.	N/A	- MINUTE ENTRY, facts not included. - Court held 1226(a), not 1225(b), applies.	Grants habeas and orders BH
CA9 - S.D. Cal.	10/23/2025	Martinez Lopez v. Noem, 3:25-cv-02734 (text of: Robinson, Todd W. No. 3:25-cv-02734 (S.D. Cal. Oct. 23, 2025) on RECAP) (Minute Entry)	Robinson, Todd W.	N/A	- MINUTE ENTRY, facts not included. - Court held 1226(a), not 1225(b), applies. - Court acknowledged and rejected <i>Yajure Hurtado</i>.	Grants habeas and orders BH
CA9 - S.D. Cal.	10/24/2025	Esquivel-Ipina v. Larose, No. 25-cv-2672 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025)	Sammartino, Janis L.	N/A	- EWI 2013. - Arrested September 2025, placed in 240 proceedings after arrest. - Court held 1226(a), not 1225(b), applies. - Court acknowledged and rejected Yajure Hurtado.	Grant habeas and orders BH
CA9 - S.D. Cal.	10/27/2025	Castellanos Lopez v. Warden, Otay Mesa Det. Ctr., 2025 WL 3005346 (S.D. Cal. Oct. 27, 2025)	Hule, Robert S.		- EWI around 2003 - First arrested outside home in Aug. 2025, placed in 240 - Court held petitioner likely to succeed on claim that 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders BH

CA9 - D. Haw	10/10/2025	Rico-Tapia v. Smith, 2025 WL 2950689 (D. Haw, Oct. 10, 2025)	25-cv-379	Park, Shanlyn A.S.	- EW'd Aug. 2022, apprehended, paroled under 212(d)(5) until Oct. 2022, served NTA in Dec. 2022 and RO'd from ERO office - Filed I-589 in pending 240, in July 2025 IJ granted DHS motion to dismiss for placement in ER - Detained same day, served warrant, notice of custody det. saying 236 - DHS issued ER order, passed CFI, put back in 240 - Cites <i>Yajure Hurtado</i> and <i>Q. Li</i> as grounds for waiving exhaustion - Govt argued 1225(b)(1) applied - Court held 1226(a), not 1225(b), applied, bc already present in country, and docs say 1226 - Finds likelihood of success on DP claim under <i>Mathews</i>	Grants PI and orders BH
CA9 - D. Nev.	9/17/2025	Maldonado Vazquez v. Feeley, 2025 WL 2878032 (D. Nev. Sept. 17, 2025)	2:25-cv-01542	Boulware, Richard F., II	- EW'd over 20 years ago. No imm or crim hx. - Detained July 2025 while driving, placed in 240 proceedings. - IJ granted bond, DHS filed autostay - Court held petitioner likely to succeed on claim that 1226(a), not 1225(b)(2), authorizes detention. - Court noted <i>Yajure Hurtado</i> renders requiring prudential exhaustion futile. - NB putative class action for Nevada.	Grants PI and orders release on previously-set IJ bond
CA9 - D. Nev.	9/23/2025	Sanchez Roman v. Noem, 2025 WL 2710211 (D. Nev. Sept. 23, 2025)	2:25-cv-01684	Boulware, Richard F., II	- EW'd over 30 years ago. - Detained July 2025 after release from crim custody, placed in 240 proceedings. - Court adopted its reasoning in <i>Maldonado Vazquez v. Feeley</i>.	Grants PI and orders BH
CA9 - D. Nev.	10/10/2025	Carlos v. Noem, 2025 WL 2896156 (D. Nev. Oct. 10, 2025) (TRO); 2025 WL 2968184 (D. Nev. Oct. 24, 2025) (PI)	2:25-cv-01900	Boulware, Richard F.	- EW'd February 2025 - DV arrest and charge on July 16, 2025; ICE took custody following day; ICE issued NTA - Aug. 12, 2025 - custody redetermination before IJ found that 1226 applied, instead of 1225(b). - DHS invoked automatic stay - Court affirmed that P is subject to 1226 and not 1225(b)	Grants habeas and orders release
CA9 - D. Nev.	10/14/2025	E.C. v. Noem, 2025 WL 2918264 (D. Nev.)	2:25-cv-01789	Boulware, Richard F.	- EW'd in February 2024 - Arrested in June 2026 on assault charges for which petitioner was found not guilty - Detained by ICE after release from state custody - Petitioner is being detained pursuant to section 1226, not 1225 - Cites <i>Yajure-Hurtado</i> and summarily rejects it - Rules that the <i>Mathews</i> test indicate a due process violation - Petitioner also challenges detention under the Laken Riley Act on charges he was acquitted of; Court finds as applied, mandatory detention under LRA would violate due process and thus reads 1226(c) to not apply to him	Grants PI and orders BH
CA9 - D. Nev.	10/23/2025	Sanchez Aparicio v. Noem, 2025 WL 2988098 (D. Nev. Oct. 23, 2025)	2:25-CV-01919-RFB-	Boulware, Richard F., II		*

CA9 - D. Nev.	10/24/2025	Dominguez-Lara v. Noem, 2025 WL 2998094 (D. Nev. Oct. 24, 2025)	2:25-CV-01553	Boulware, Richard F., II	Holds autostay violates PDP	• Putative class action for Nevada, related to Maldonado Vazquez, 2:25-cv-01542 (D. Nev.) • Status at entry unclear; presumably EWI • In July 2027, US granted bond to two Ps, finding 1226 governs not 1225(b)(2) • DHS invoked autostay • Court affirms Ps are subject to 1226 not 1225(b)	Grants PI to individual Ps and orders release on original IJ bond/conditions; Defers adjudication on class cert
CA9 - D. Nev.	10/27/2025	BAUTISTA-AVALOS v. BERNACKE, 2025 WL 3014023 (D. Nev. Oct. 27, 2025)	2:25-CV-01987	Boulware II, Richard Franklin	*	*	*
CA9 - D. Nev.	10/28/2025	ARCE-CERVERA v. NOEM, 2025 WL 3017866 (D. Nev. Oct. 27, 2025)	2:25-CV-01895	Silva, Cristina	*	*	*
CA9 - W.D. Wash.	4/24/2025	Rodriguez Vazquez v. Bostock, 779 F. Supp.3d 1239 (W.D. Wash. 2025)	3:25-cv-05240	Cartwright, Tiffany M.	N/A	• EWI'd over 15 years ago. • Detained February 2025; never before arrested, charged, or convicted. • Bond request denied under 1225(b). • Court held that the plain text of 1226(a) applies, rather than 1225(b).	Grants PI and orders a 1226(a) bond hearing
CA9 - W.D. Wash.	9/30/2025	Rodriguez Vazquez v. Bostock, 2025 WL 2782496 (W.D. Wash. Sept. 30, 2025)	3:25-cv-05240	Cartwright, Tiffany M.	N/A	• Summary judgment on behalf of a class of people without lawful status held at NWIPO (Tacoma), who EWI'd and were "not apprehended upon arrival" and are not or will not be subject to 1226(c), 1225(b)(1), or 1231 at the time they request bond. • Court held that the plain text of 1226(a) applies, rather than 1225(b) (extensive statutory analysis).	Issues classwide declaratory relief
CA9 - W.D. Wash.	10/2/2025	Gurman Alfaro v. Wamsley, 2025 WL 2822113 (W.D. Wash. Oct. 2, 2025)	2:25-cv-01706	Cartwright, Tiffany M.	N/A	• EWI in 2004. • Arrested July 2025 after investigating petitioner's employer. • Placed in 240 proceedings. • In bond order, IJ found no ix but set a bond in the alternative. • Court held entitled to relief as a member of the class in <i>Rodriguez Vazquez</i>.	Grants habeas and orders release or alternatively release on bond as set in the alternative by IJ
CA9 - W.D. Wash.	10/7/2025	Ledesma Gonzalez v. Bostock, 2025 WL 2841574 (W.D. Wash. Oct. 7, 2025)	2:25-cv-01404	Whitehead, Jamal N.	N/A	• Entered in 2017 as a 14 y/o seeking asylum. Upon arrival, ICE released petitioner on OREC • In 240 proceedings (BIA appeal pending). • No criminal history. Arrested July 2025 at ICE check-in, after asylum denial but before BIA appeal filed. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court also found for petitioner on challenges to improper revocation of OREC and APA and DP claims.	Grants habeas and orders immediate release
CA9 - W.D. Wash.	10/8/2025	Mena Torres v. Wamsley, 2025 WL 2955378 (W.D. Wash. Oct. 8, 2025)	C25-5772 TSZ	Zilly, Thomas S.	N/A	• Arrived in 2018 as an unaccompanied child and was paroled. • DEA "encountered" petitioner in August 2025 while executing an unrelated search warrant. • The Court finds that petitioner is likely subject to detention under 1226, not 1225(b)(2). • Distinguishes <i>Yajira Hurrado</i> because petitioner's parole was not revoked by an NTA and this case involves an unaccompanied minor. • Due Process Ruling.	Grants habeas and sets bond pursuant to IJ's original order

CA9 - W.D. Wash.	10/10/2025	Ortiz Martinez v. Wansley, 2025 WL 2899146 (W.D. Wash., Oct. 10, 2025)	2:25-cv-01822	Cartwright, Tiffany M.	N/A	- Group of 5 petitioners, all EWI'd several years/decades ago, not apprehended upon arrival - Detained at NWPC Tacoma, WA - Petitioners entitled to relief as members of the Bond Denial Class (<i>Rodriguez Vazquez v. Bostock</i>) so court held 1226(a), not 1225(b)(2), applies	Grants petition as all 5 petitioners found to be members of Bond Denial Class, orders release in accordance w/ its alternative bond orders
CA10 - D. Colo.	9/16/2025	Garcia Corfey v. Noem, 2025 WL 2652990 (D. Colo. Sept. 16, 2025)	1:25-cv-02677	Sweeney, Charlotte N.	N/A	- Admitted in 2018. - Arrested without a warrant (presumably in 2025). - In 240 proceedings. - DHS argued detained under 1225(b)(2). - Court held 1226(a), not 1225(b)(2), authorizes detention. - Court held detention without BH violated procedural DP under <i>Mathews v. Elaridge</i>.	Grants habeas and orders BH
CA10 - D. Colo.	10/17/2025	Mendoza Gutierrez v. Baltasar, 2025 WL 2962908 (D. Colo. Oct. 17, 2025)	1:25-cv-2720	Rodriguez, Regina M.	N/A	- P seeks to represent class of EWIs not apprehended upon arrival. - EWI'd in 1999. - Detained in May 2025 after release by police following arrest. - Arrested with I-200/I-286 under 1226 and post-arrest ICE claimed 1225 detention authority. - Placed in 240 proceedings. - Court considered and rejected <i>Yajure Hurtado</i>. - Court finds 1226 not 1225 applies. - Court defers decision on class certification.	Grants TRO for individual P, orders immediate release pending BH where DHS bears the burden; enjoins removing or transferring P and putative class during pendency of case
CA10 - D. Colo.	10/20/2025	Moya Pineta v. Baltasar, No. 1:25-cv-2986 (D. Colo. Oct. 20, 2025)	1:25-cv-2966	Gallagher, Gordon P.	N/A	- EWI 20 years ago. - Arrested 2012, U ordered release on bond. - Re-arrested July 2025. - Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders BH, and requires report after bond hearing including (if denied) reason for denial, and enjoining removal or transfer out of district
CA10 - D. Colo.	10/22/2025	Loa Caballero v. Baltazar, 2025 WL 2877650 (D. Colo. Oct. 22, 2025)	25-cv-03120	Wang, Nina Y.	N/A	- EWI 20 years ago. - Arrested September 2025, then given Notice of Custody Determination. - Placed in 240 proceedings after arrest. - Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas and orders bond hearing, or alternatively release
CA10 - D. Colo.	10/23/2025	Hernandez Vazquez v. Baltasar 1:25-cv-3049 (D. Colo. Oct. 23, 2025)	1:25-cv-3049	Gallagher, Gordon P.	N/A	- EWI 20 years ago - Detained in July 2025 - Court adopts the reasoning from prior orders in their entirety - Petitioner is held under 1226(a) and not 1225(b)(2)(A) as the government contends	Grants habeas and orders bond hearing
CA10 - D. Colo.	10/24/2025	Nava Hernandez v. Baltazar, 2025 WL 2996643 (D. Colo. Oct. 24, 2025)	1:25-cv-03094	Sweeney, Charlotte N.	*		*
CA10 - D.N.M.	9/17/2025	Saizar v. Dedos, 2025 WL 2676729 (D.N.M. Sept. 17, 2025)	1:25-cv-00895	Urias, David H.	N/A	- EWI 35+ years ago. - Arrested while performing landscaping job June 2025, ICE issued warrant shortly thereafter. - Placed in 240 proceedings after arrest. - I found ineligible for bond under <i>Matter of Q. Li</i>. - Court held 1226(a), not 1225(b)(2), authorizes detention.	Grants habeas in part and orders BH or alternatively release

CA10 - D.N.M.	9/24/2025	Garcia Itra v. Ndeem, 2025 WL 2581710 (D.N.M., Sept. 24, 2025)	1:25-cv-00855	Johnson, William P.	N/A	• DACA recipient • Arrested at home and detained • Gov't did not oppose release • Court ordered release without analysis (likely due to gov't's non-opp)	Grants habeas and orders release
CA10 - D.N.M.	10/15/2025	Garcia Dominguez v. Castro, 2025 WL 2941247 (D.N.M., Oct. 15, 2025)	1:25-cv-00979	Urias, David H.	N/A	• EWID 2018 as an unaccompanied minor, apprehended upon entry • Transferred to ORR and then to his father • August 2025, ICE detained petitioner after a traffic stop • Court finds likely to succeed on merits of due process claim based on liberty interest in conditional release; pre-deprivation hearing required under <i>Mathews</i>; and his detention is governed by 1226, not 1225	Grants TRO and orders release
CA11 - M.D. Fla.	9/25/2025	Hernandez Lopez v. Hardin, 2025 WL 2732717 (M.D. Fla. Sept. 25, 2025)	1:25-cv-830	Dudek, Kyle C.	N/A	• EWID in 2013, has pending I-601A waiver • Arrested August 2025 while driving • Court held 1226(a), not 1225(b)(2), authorizes detention ("every court to address the question presented here has found that an alien who is not presently seeking admission and has been in the United States for an extended time . . . is appropriately classified under 1226(a) and not 1225(b)(2)(A).")	Grants TRO only to enjoin transfer out of the district bc the other relief (i.e. BH) is identical to relief in underlying habeas
CA11 - S.D. Fla.	10/15/2025	Aguilar Moreno v. Ripa, 2025 WL 2841609 (S.D. Fla. Oct. 15, 2025)	25-cv-23845	Martinez, Jose E.		• Court held autostay as applied violates PDP under <i>Mathews v. Eldridge</i> • EWID in 2018 as UAC, apprehended at border. • Issued NTA, placed in ORR custody, released to parents in US, obtained SJS in 2019. • IJ dismissed 240 proceedings in 2021, granted deferred action in 2022, I-485 pending since 2024. • Arrested at traffic stop June 2025, issued new NTA w same charge. • IJ found eligible for and (pre Yajure Hurtado) set bond, DHS filed autostay; later in Sept IJ issued new bond order finding no bond ix. • Court held 1226(a), not 1225(b)(2), authorizes detention, declines to follow <i>Yajure Hurtado</i> and notes many others court have as well.	Grants habeas, denies MTD, orders immediate release in accordance w/IJ order
CA11 - S.D. Fla.	10/15/2025	Alvarez Puga v. Assistant Field Office Director, 2025 WL 2939369 (S.D. Fla. Oct. 15, 2025)	25-cv-24535	Alonaga, Cecilia M.	N/A	• Nonimmigrant visa holder departed US and returned one day later by boat, entering without inspection, in July 2021. • Affirmative asylum application filed July 2022. • Arrested by ICE with warrant September 2025, given Notice of Custody Determination at the time. • Placed into 240 proceedings after arrest. • ICE cancelled Notice of Custody Determination October 2025. • Court held 1226(a), not 1225(b)(2), authorizes detention. • Court discussed and rejected <i>Yajure Hurtado</i>.	Grants habeas in part and orders BH or alternatively release