

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY

Jose Rafael Camargo Navas v. Attorney General of the United States,
et al.

Navas · No. No. 26-66-DLB · Decided March 23, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky denied Jose Rafael Camargo Navas’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that Venezuela’s Temporary Protected Status designation had been terminated pursuant to the effect of a Supreme Court stay, so Navas lacked active TPS when ICE detained him and could not establish that his detention was unlawful on that basis.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky
WRITING FOR THE COURT	David L. Bunning
JURISDICTION	United States District Court for the Eastern District of Kentucky
DECIDED	March 23, 2026
DOCKET	No. 26-66-DLB
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention was denied after Respondents filed a response and Petitioner failed to file a timely reply.
STANDARD OF REVIEW	The Court reviewed the § 2241 habeas petition to determine whether Navas demonstrated that his detention violated federal law.
PRECEDENTIAL VALUE	Unpublished district-court memorandum opinion; precedential status unknown.
PARTIES	Jose Rafael Camargo Navas v. Attorney General of the United States, Director of the Chicago Field Office, Immigration and Customs Enforcement, Marc Fields, Jailer, Kenton County Detention Center

TOPICS

federal habeas corpus

immigration detention

temporary protected status

immigration

judicial review of agency action

PRACTICE AREAS

immigration law

federal habeas corpus

immigration detention

administrative law

QUESTIONS PRESENTED

1. Whether Navas had active Temporary Protected Status at the time of his January 26, 2026 arrest and detention.
2. Whether Navas was entitled to habeas relief under 28 U.S.C. § 2241 based on his assertion that detention violated INA § 244 and his claimed TPS status.

HOLDINGS

1. The Supreme Court's October 3, 2025 stay remained in effect pending disposition of the Government's Ninth Circuit appeal and any timely petition for certiorari, thereby allowing DHS's termination of Venezuela's 2023 TPS designation to proceed.
2. Navas did not have active TPS at the time of his arrest or during his detention because Venezuela's TPS designation had been terminated effective April 7, 2025.
3. The § 2241 petition was denied because Navas failed to demonstrate that he had active TPS when he was arrested or during his detention.

KEY QUOTATIONS

“As a result, the Supreme Court’s October 3, 2025 stay and, by extension, DHS’s termination of Venezuela’s TPS remain in effect.” (III)

“Because Navas’s claims are predicated on the validity of his TPS, and because his TPS was terminated in April of 2025, his Petition cannot succeed.” (IV)

“Because Navas has failed to demonstrate that he had active TPS at the time he was arrested or at any point during his detention, and for the reasons set forth herein, IT IS ORDERED that Petitioner Jose Rafael Camargo Navas’s Petition for Writ of Habeas Corpus (Doc. # 1) is DENIED.” (IV)

FACTUAL BACKGROUND

Navas, a Venezuelan citizen, entered the United States without inspection on or about May 8, 2023, and was later placed in removal proceedings. He obtained TPS effective November 9, 2024, but Venezuela's TPS designation was terminated effective April 7, 2025. Navas alleged that he timely sought TPS re-registration and was unlawfully arrested and detained by ICE on January 26, 2026, while awaiting removal proceedings.

PROCEDURAL HISTORY

Navas filed a pro se § 2241 petition alleging that ICE unlawfully arrested and detained him because he possessed active Temporary Protected Status. The Court directed Respondents to respond; Respondents filed a response, and Navas did not timely reply. The Court denied the petition, concluding that Venezuela's TPS designation had been terminated and that the Supreme Court's stay permitted the termination to remain effective pending further litigation.

DISPOSITION

writ_denied

CASES CITED

- National TPS Alliance v. Noem, 166 F.4th 739, 754 (9th Cir. 2026)
- National TPS Alliance v. Noem, 798 F. Supp. 3d 1108, 1116 (N.D. Cal. 2025)
- National TPS Alliance v. Noem, 163 F.4th 1152, 1157 (9th Cir. 2025)
- Noem v. National TPS Alliance, 146 S.Ct. 23, 24 (2025)
- Marrufo-Castellano v. Raycraft, No. 1:26-cv-417, 2026 WL 679106, at *2 n. 4 (W.D. Mich. Mar. 11, 2026)
- Colina-Rojas v. Noem, No. 4:26-cv-37-RGJ, 2026 WL 412138, at *1 n. 2 (W.D. Ky. Feb. 13, 2026)
- Lopez v. Raycraft, No. 2:26-cv-29, 2026 WL 607668, at *2 (W.D. Mich. Mar. 4, 2026)
- Davila v. Warden, North Lake Processing Ctr., No. 1:26-cv-579, 2026 WL 710104, at *2 n. 3 (W.D. Mich. Mar. 13, 2026)
- Diaz Patino v. Villegas, No. 1:25-cv-276-H, 2026 WL 673166, at *1 n. 1 (N.D. Tex. Mar. 9, 2026)

OPINION

Navas
PER CURIAM.
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
AT COVINGTON
CIVIL ACTION NO. 26-66-DLB
JOSE RAFAEL CAMARGO NAVAS, PETITIONER
v. MEMORANDUM OPINION AND ORDER
ATTORNEY GENERAL OF THE UNITED STATES, et al., RESPONDENTS

I. INTRODUCTION

This matter is before the Court on pro se Petitioner Jose Rafael Camargo Navas’s Petition for Writ of Habeas Corpus (Doc. # 1). Respondents¹ having filed their Response (Doc. # 6), and Petitioner having failed to file a timely reply, this matter is now ripe for review. For the following reasons, the Court will deny the Petition.

II. FACTUAL AND PROCEDURAL BACKGROUND

Jose Rafael Camargo Navas is a native and citizen of Venezuela. (Doc. # 6-1 at 1). He entered the United States without inspection on or about May 8, 2023. (Id.). Months later, on December 27, 2023, the Department of Homeland Security (“DHS”) served Navas with a Notice to Appear before an Immigration Judge (“IJ”) for removal proceedings. (Doc. # 6-2). On November 9, 2024, Navas obtained Temporary Protected Status (“TPS”). (Doc. # 1 at 3). Although his TPS was set to expire on April 2, 2025, Navas contends that he timely filed for re-registration on September 2, 2025 thereby 1 Petitioner files this action against the Director of the Chicago Field Office, Immigration and Customs Enforcement (“ICE”), the Attorney General of the United States, and Marc Fields, Jailer, Kenton County Detention Center. (Id.). Respondent Fields did not file a Response and the time to do so has passed. extending the period of his TPS while his application was under review. (Id.). Navas was arrested on January 26, 2026 upon arriving at a scheduled meeting with immigration authorities. (Doc. # 6-1 at 2). He is presently detained at the Kenton County Detention Center in Covington, Kentucky pending removal proceedings. (Doc. # 1 at 1). Proceeding pro se, Navas filed the instant Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on February 13, 2026. (Id.). In his Petition, Navas argues that he was unlawfully arrested and detained in violation of his TPS. (Id. at 3-4). On February 17, 2026, the Court directed Respondents to respond to the Petition. (Doc. # 5). Respondents having filed their Response (Doc. # 6), and Navas having failed to file a timely reply, this matter is ripe for the Court’s review.

III. ANALYSIS

Navas seeks habeas relief solely on the ground that he has active TPS, which deprives ICE of the authority to detain him pending removal proceedings. (Doc. # 1 at 3). Although Respondents devote a substantial portion of their briefing to the discretionary and mandatory detention regimes established by 8 U.S.C. §§ 1225(b)(2) and 1226, respectively, Navas does not raise that issue in his Petition. (Doc. # 6 at 1). Navas does not allege that he is entitled to a bond hearing he did not receive but, rather, asserts that his detention is unlawful because of his TPS. So, the sole issue before the Court is whether Navas has TPS that renders his present detention unlawful. Section 244 of the Immigration and Nationality Act (“INA”), codified at 8 U.S.C. § 1254a, authorizes the Attorney General to “designate any foreign state for TPS, permitting qualifying foreign nationals of the designated state to apply for protection from removal and work authorization.” *National TPS Alliance v. Noem*, 166 F.4th 739, 754 (9th Cir. 2026) (footnote omitted). This authority has been transferred from the Attorney General to the Secretary of DHS. Id. at 754 n. 7. The Secretary of DHS may bestow TPS designation for a number of reasons, including a finding of “extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety[.]” 8 U.S.C. § 1254a(b)(1)(C). On October 3, 2023, Venezuela received TPS designation based on such extraordinary conditions. (Doc. # 6- 3 at 1). On February 5, 2025, DHS Secretary Kristi Noem announced that Venezuela’s 2023 TPS designation

would be terminated effective April 7, 2025. (Id. at 2). Navas claims that after entering the United States he applied for TPS, and his application was granted. (Id. at 3). His TPS was approved for the period between November 9, 2024 and April 2, 2025. (Id. at 3). And Navas alleges that he timely sought re-registration of his TPS. (Id.). He argues that, at all relevant times, his TPS was active and, as a result, ICE could not treat him “as removable or detainable.” (Id.). However, as Respondents note, “[o]n February 5, 2025, DHS published a notice announcing the Secretary of Homeland Security’s decision to terminate Venezuela’s 2023 TPS designation.” (Doc. # 6 at 2). Thus, Respondents argue, at the time of his arrest, Navas did not have TPS and his present detention is lawful. (Id.). However, Navas alludes to the fact that “[t]he termination and scope of TPS for Venezuela is currently being litigated in federal court.” (Doc. # 1 at 3). Although Navas does not identify any specific litigation, DHS’s termination of Venezuela’s 2023 TPS designation has been deemed unlawful by a court in the Northern District of California. *National TPS Alliance v. Noem*, 798 F. Supp. 3d 1108, 1116 (N.D. Cal. 2025). On September 5, 2025, that court held that Secretary Noem’s “actions in . . . terminating TPS [for Venezuela] exceeded the Secretary’s statutory authority and [were] arbitrary and capricious, and thus must be set aside under the Administrative Procedure Act[.]” Id. The Government appealed this decision to the Ninth Circuit Court of Appeals and sought a stay of enforcement pending resolution of that appeal. *National TPS Alliance v. Noem*, 163 F.4th 1152, 1157 (9th Cir. 2025). When the Ninth Circuit denied the Government’s request for a stay, the Government appealed to the Supreme Court. *Noem v. National TPS Alliance*, 146 S.Ct. 23, 24 (2025). On October 3, 2025, the Supreme Court stayed the district court’s order invalidating the termination of Venezuela’s TPS, allowing DHS to move forward with its terminations. Id. Further, the Supreme Court provided that its stay would remain in effect “pending the disposition of the Government’s appeal in the United States Court of Appeals for the Ninth Circuit and disposition of a petition for a writ of certiorari, if such writ is timely sought.” Id. Subsequently, on January 28, 2026, the Ninth Circuit affirmed the district court’s September 5, 2025 Order. *National TPS Alliance v. Noem*, 166 F.4th 739, 768-69 (9th Cir. 2026). At present, the Government has not filed a petition for a writ of certiorari but the time for doing so has not elapsed. See Supreme Court Rule 13(1) (“Unless otherwise provided by law, a petition for a writ of certiorari to review a judgment . . . entered by a state court of last resort or a United States court of appeals . . . is timely filed with the Clerk of this Court within 90 days after entry of the judgment.”). As a result, the Supreme Court’s October 3, 2025 stay and, by extension, DHS’s termination of Venezuela’s TPS remain in effect. See *Marrufo-Castellano v. Raycraft*, No. 1:26-cv-417, 2026 WL 679106, at *2 n. 4 (W.D. Mich. Mar. 11, 2026) (holding that Venezuelan Petitioner’s TPS was terminated and that the Supreme Court allowed this termination to proceed pending final disposition of the Ninth Circuit litigation); *Colina-Rojas v. Noem*, No. 4:26-cv-37-RGJ, 2026 WL 412138, at *1 n. 2 (W.D. Ky. Feb. 13, 2026) (same). Here, Navas was detained by ICE on January 26, 2026. (Doc. # 1 at 2). He claims that this detention is unlawful and “in direct violation of INA § 244.” (Id.). However, as discussed above, Venezuela’s TPS designation was

terminated as of April 7, 2025— roughly ten months prior to Navas’s arrest. (See Doc. # 6-3 at 3). And although the propriety of DHS’s actions in terminating Venezuela’s TPS is currently the subject of judicial review, the Supreme Court has allowed the termination to proceed pending a final resolution of this litigation. *National TPS Alliance*, 146 S.Ct. at 24. Thus, at the time of his arrest, Navas lacked TPS. Other courts, in this Circuit and others, have held that “[u]nder these circumstances, [Navas] has failed to show that he currently has TPS or that he had TPS when he was taken into ICE custody.” *Lopez v. Raycraft*, No. 2:26-cv- 29, 2026 WL 607668, at *2 (W.D. Mich. Mar. 4, 2026); see also *Davila v. Warden, North Lake Processing Ctr.*, No. 1:26-cv-579, 2026 WL 710104, at *2 n. 3 (W.D. Mich. Mar. 13, 2026) (finding that Venezuelan petitioner lacked TPS and that the Supreme Court “allowed the termination of TPS for Venezuela to take effect” pending resolution of the *National TPS Alliance* litigation); *Diaz Patino v. Villegas*, No. 1:25-cv-276-H, 2026 WL 673166, at *1 n. 1 (N.D. Tx. Mar. 9, 2026) (“But because the Supreme Court’s stay remains in place until the ‘disposition of a petition for a writ of certiorari, if such writ is timely sought,’ the stay remains in place.”) (quoting *National TPS Alliance*, 146 S.Ct. at 24). Because Navas’s claims are predicated on the validity of his TPS, and because his TPS was terminated in April of 2025, his Petition cannot succeed. (See Doc. # 1 at 5 (“ICE is detaining a TPS registrant in direct violation of federal law while TPS Venezuela is under active litigation and while USCIS is processing his renewal.”)).

IV. CONCLUSION

Because Navas has failed to demonstrate that he had active TPS at the time he was arrested or at any point during his detention, and for the reasons set forth herein, IT IS ORDERED that Petitioner Jose Rafael Camargo Navas’s Petition for Writ of Habeas Corpus (Doc. # 1) is DENIED. This 23rd day of March, 2026. Se. Signed By: MSs | David L. Bunning DB —SOO— =‘CC*hee United States District Judge G:\Judge-DLB\DATA\ORDERS\Cov2026\26-66 MOO denying habeas.docx