

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Jose Puentes-Puentes v. Scarlet Grant, et al.

Puentes-Puentes · No. CIV-26-192-J · Decided March 9, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma adopted a magistrate judge’s Report and Recommendation and granted Jose Puentes-Puentes’s habeas petition in part. The court held that 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governs his immigration detention and ordered Respondents to provide a prompt bond hearing or release him, with compliance certified within five business days.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Bernard M. Jones, II
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 9, 2026
DOCKET	CIV-26-192-J
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 based on continued immigration detention without a bond hearing. After a magistrate judge recommended granting the petition, Respondents objected, and the district court conducted de novo review and adopted the recommendation.
STANDARD OF REVIEW	De novo review of the magistrate judge's Report and Recommendation under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	Unknown
PARTIES	Jose Puentes-Puentes v. Scarlet Grant, et al.

TOPICS

- immigration detention
- removal proceedings
- statutory interpretation
- civil procedure

PRACTICE AREAS

immigration law

habeas corpus

federal civil procedure

QUESTIONS PRESENTED

1. Whether the petition sufficiently raised a distinct claim under 8 U.S.C. § 1226(a), rather than seeking relief only under a separate declaratory judgment.
2. Whether 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b)(2)(A), governed Petitioner's detention.
3. Whether Petitioner was entitled to a bond hearing because he had been detained under § 1226(a) without receiving one.

HOLDINGS

1. The petition sufficiently raised an INA claim under § 1226(a) because it repeatedly identified § 1226(a), explained why that provision applied, sought a bond hearing under it, and alleged that Respondents violated Petitioner's statutory rights by denying such a hearing.
2. Section 1226(a) governed Petitioner's detention; the court concluded that Petitioner was not seeking admission within the meaning relevant to § 1225(b)(2)(A).
3. Because § 1226(a) governed Petitioner's detention and he had not received a bond hearing, he was entitled to a prompt bond hearing, and Respondents' failure to provide one violated § 1226(a) of the INA.

KEY QUOTATIONS

“Despite Petitioner’s repeated reference to § 1226(a), Respondents argue that Petitioner only sought relief under Bautista and failed to advance a distinct § 1226(a) argument.” (at 2)

“But as another district court judge recently held, addressing a near identical objection, “this reading of Petitioner’s Petition is too restrictive.”” (at 2)

“Accordingly, the Court ORDERS Respondents to provide Petitioner with a prompt bond hearing under 8 U.S.C. § 1226(a) or otherwise release Petitioner.” (Conclusion)

FACTUAL BACKGROUND

Jose Puentes-Puentes, a noncitizen from Mexico, entered the United States as a minor and was placed in removal proceedings in 2016 after an arrest, but was released from ICE custody. ICE detained him again in October 2025 following a traffic stop. While detained at the Cimarron Correctional Facility in Oklahoma, he filed a § 2241 petition alleging that his continued detention without a bond hearing violated the INA and the Fifth Amendment.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition seeking a bond hearing while detained by ICE. The matter was referred to Magistrate Judge Chris M. Stephens, who recommended granting the petition and ordering a bond hearing under 8 U.S.C. § 1226(a) within five business days or release. Respondents objected, triggering de novo review. The

district court adopted the Report and Recommendation and granted relief to the extent Petitioner alleged that the lack of a bond hearing violated the INA.

DISPOSITION

other

REMAND INSTRUCTIONS

Respondents must provide Petitioner with a prompt bond hearing under 8 U.S.C. § 1226(a) or otherwise release him, and must certify compliance within five business days of the order's date.

CASES CITED

- Quint v. Vail Resorts, Inc., 89 F.4th 803, 808 (10th Cir. 2023)
- Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2026 WL 468284, at *2 (C.D. Cal. Feb. 18, 2026)
- Akhalaia v. Figueroa, No. CIV-26-133-R, 2026 WL 637620, at *2 (W.D. Okla. Mar. 6, 2026)
- Coreas v. Noem, No. CIV-26-151-J, 2026 WL 541151, at *2 (W.D. Okla. Feb. 26, 2026)
- Garcia v. City of Albuquerque, 232 F.3d 760, 766 (10th Cir. 2000)
- In re Griego, 64 F.3d 580, 584 (10th Cir. 1995)