

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, WESTERN DIVISION

Mario Carmona Hernandez v. Scott Ladwig

No. 2:26-cv-02051-TLP-atc (W.D. Tenn. Feb. 6, 2026) · No. No. 2:26-cv-02051-TLP-atc · Decided February 6,
2026

SUMMARY

The United States District Court for the Western District of Tennessee grants Mario Carmona Hernandez’s 28 U.S.C. § 2241 petition challenging his detention under 8 U.S.C. § 1225(b)(2)(A). The court holds that § 1226(a), rather than § 1225(b), governs the detention of a noncitizen who has been residing in the interior of the United States and is therefore entitled to a bond hearing. The court orders Hernandez’s release, enjoins detention under § 1225(b)(2)(A), and directs that any detention under § 1226(a) be accompanied by the required bond hearing.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee, Western Division
WRITING FOR THE COURT	Thomas L. Parker
JURISDICTION	United States District Court for the Western District of Tennessee, Western Division
DECIDED	February 6, 2026
DOCKET	No. 2:26-cv-02051-TLP-atc
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without a bond hearing.
STANDARD OF REVIEW	For the nonstatutory exhaustion issue, the Court applied the Supreme Court's discretionary balancing of the individual's interest in prompt federal review against institutional interests favoring exhaustion. For the due-process issue, the Court applied the Mathews v. Eldridge balancing test. Statutory interpretation was based on statutory text, context, titles, and the presumption against surplusage.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Mario Carmona Hernandez v. Scott Ladwig

TOPICS

immigration detention

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Court should require Petitioner to exhaust administrative remedies by seeking a bond hearing before the BIA.
2. Whether 8 U.S.C. § 1225(b)(2)(A) or 8 U.S.C. § 1226(a) governs the detention of a noncitizen who has resided in the interior of the United States and was not detained while arriving at the border or port of entry.
3. Whether continued detention without a bond hearing violates the Fifth Amendment's Due Process Clause.
4. Whether Petitioner was entitled to immediate release and an injunction against detention under § 1225(b)(2)(A).

HOLDINGS

1. The Court declined to require exhaustion of administrative remedies because Congress had not imposed a statutory exhaustion requirement, the BIA had already adopted the position underlying Petitioner's detention, and the BIA lacked authority to decide constitutional challenges.
2. Section 1226(a), not § 1225(b)(2)(A), governs the detention of a noncitizen who has been residing in the interior of the United States and was apprehended sometime after entry rather than while seeking admission at the border or a port of entry.
3. Because § 1226(a) governed Petitioner's detention, he was entitled to a bond hearing before an immigration judge, and his continued detention without that hearing violated the Fifth Amendment's Due Process Clause.

KEY QUOTATIONS

“At bottom, §§ 1225 and 1226 are different statutory provisions that apply to different contexts.” (Analysis Part II)

“This all makes clear that Petitioner is entitled to a bond hearing before an immigration judge.” (Analysis Part III)

FACTUAL BACKGROUND

Mario Carmona Hernandez, a Mexican citizen who had lived in the United States since at least 2001, was detained by DHS around December 4, 2025, after being served with a Notice to Appear alleging that he was present without admission or parole. ICE detained him under 8 U.S.C. § 1225(b)(2)(A), and DHS and EOIR did not provide him a bond hearing. Although he had a 2001 felony firearm conviction, the Court treated his

detention as involving a person residing in the interior of the United States and concluded that § 1226(a), rather than § 1225(b)(2)(A), governed.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition after DHS and ICE detained him under 8 U.S.C. § 1225(b)(2)(A) without providing a bond hearing. The Court ordered Respondent to show cause, received Respondent's response and Petitioner's reply, and decided the matter without oral argument. The Court granted the petition, ordered Petitioner's release, enjoined detention under § 1225(b)(2)(A), and directed that any detention under § 1226(a) be accompanied by the required bond hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondent must release Petitioner. Respondent is enjoined from detaining Petitioner under 8 U.S.C. § 1225(b)(2)(A). If DHS seeks to re-detain Petitioner under § 1226(a), it must provide him with the bond hearing required under that provision.

CASES CITED

- *Monge-Nunez v. Ladwig*, No. 25-3043, 2025 WL 3565348, at *1, *6 (W.D. Tenn. Dec. 12, 2025)
- *Godinez-Lopez v. Ladwig*, No. 25-2962, 2025 WL 3047889 (W.D. Tenn. Oct. 31, 2025)
- *Padilla-Ugsha v. Ladwig*, No. 25-3045, 2025 WL 3638007, at *7 (W.D. Tenn. Dec. 15, 2025)
- *Cordova v. Ladwig*, No. 25-3037, 2025 WL 3679764, at *7 (W.D. Tenn. Dec. 18, 2025)
- *Rios Pena v. Ladwig*, No. 25-3082, 2025 WL 3679766, at *7 (W.D. Tenn. Dec. 18, 2025)
- *Moreno-Espinoza v. Ladwig*, No. 25-3093, 2025 WL 3691452, at *9 (W.D. Tenn. Dec. 19, 2025)
- *Urrutia-Diaz v. Ladwig*, No. 25-3098, 2025 WL 3689158, at *7 (W.D. Tenn. Dec. 19, 2025)
- *Barco Mercado v. Francis*, -- F. Supp. 3d --, 2025 WL 3295903, at *4-5 (S.D.N.Y. Nov. 26, 2025)
- *Boumediene v. Bush*, 553 U.S. 723, 745 (2008)
- *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973)
- *McCarthy v. Madigan*, 503 U.S. 140, 144-49 (1992)
- *Gibson v. Berryhill*, 411 U.S. 564, 575 n.14 (1973)
- *Houghton v. Shafer*, 392 U.S. 639, 640 (1968)
- *Herr v. U.S. Forest Service*, 803 F.3d 809, 822-23 (6th Cir. 2015)
- *Corley v. United States*, 556 U.S. 303, 314 (2009)
- *Kentucky v. Biden*, 23 F.4th 585, 603 (6th Cir. 2022)
- *Star Athletica, L.L.C. v. Varsity Brands, Inc.*, 137 S. Ct. 1002, 1010 (2017)
- *Connecticut National Bank v. Germain*, 503 U.S. 249, 253-54 (1992)
- *Dubin v. United States*, 599 U.S. 110, 121 (2023)

- *Jennings v. Rodriguez*, 583 U.S. 281, 287, 289 (2018)
- *Bilski v. Kappos*, 561 U.S. 593, 607-08 (2010)
- *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138-40 (2020)
- *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)
- *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950)
- *United States v. Silvestre-Gregorio*, 983 F.3d 848, 852 (6th Cir. 2020)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)
- *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)
- *Rodriguez v. Woosley*, No. 4:25-CV-168-RGJ, 2026 WL 36345, at *11-12 (W.D. Ky. Jan. 6, 2026)

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