

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Hector Hugo Alvarado Montoya v. Russell Holt, et al.

Alvarado Montoya v. Holt · No. CIV-25-01231-JD · Decided December 26, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma considers a 28 U.S.C. § 2241 petition challenging the mandatory detention of a Mexican citizen pending removal proceedings. The court holds that it has jurisdiction and that the petitioner is properly detained under 8 U.S.C. § 1225(b)(2)(A), rather than the bond-eligible framework of § 1226(a), because an unadmitted alien present in the United States is an applicant for admission and applicants for admission are seeking admission. The court rejects the petitioner’s statutory and due process claims and denies the petition.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Jodi W. Dishman
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	December 26, 2025
DOCKET	CIV-25-01231-JD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from immigration detention without a bond hearing. After a magistrate judge recommended granting relief on statutory grounds, the district court reviewed the Government's objections de novo, accepted the recommendation as to jurisdiction, rejected its statutory analysis, and denied the Petition.
STANDARD OF REVIEW	De novo review of portions of the magistrate judge's Report and Recommendation to which objections were made under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Nonprecedential district court order; persuasive only.
PARTIES	Hector Hugo Alvarado Montoya v. Russell Holt, Pamela Bondi, Kristi Noem

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QUESTIONS PRESENTED

1. Whether 8 U.S.C. §§ 1252(a)(5), 1252(b)(9), or 1252(g) deprived the district court of jurisdiction over Montoya's § 2241 challenge to detention without a bond hearing.
2. Whether an alien who is present in the United States without having been admitted is an applicant for admission under 8 U.S.C. § 1225(a)(1).
3. Whether every alien deemed an applicant for admission under § 1225(a)(1) is also an alien seeking admission for purposes of mandatory detention under § 1225(b)(2)(A).
4. Whether overlap or redundancy between § 1225(b)(2)(A) and § 1226(c)(1)(E) requires detention under the bond-eligible framework of § 1226(a) instead of mandatory detention under § 1225(b)(2)(A).
5. Whether mandatory detention under § 1225(b)(2)(A), without an individualized bond hearing, violated Montoya's Fifth Amendment due-process rights.

HOLDINGS

1. Sections 1252(a)(5), 1252(b)(9), and 1252(g) did not bar the district court from exercising § 2241 jurisdiction over Montoya's challenge to detention without a bond hearing because the petition challenged the statutory manner of detention, not a final removal order or one of the discrete actions covered by § 1252(g).
2. An alien present in the United States who has not been admitted is an applicant for admission under the plain language of 8 U.S.C. § 1225(a)(1), without a temporal or geographic limitation requiring recent arrival or proximity to the border.
3. All aliens who are deemed applicants for admission under § 1225(a)(1) are also seeking admission for purposes of § 1225(b)(2)(A), even if they are not voluntarily or actively seeking lawful entry.
4. Any partial redundancy between § 1225(b)(2)(A) and § 1226(c)(1)(E) does not override § 1225's unambiguous text or require application of § 1226(a)'s bond-eligible framework.
5. Mandatory detention under § 1225(b)(2)(A) during pending removal proceedings, without an individualized bond hearing, did not violate Montoya's Fifth Amendment due-process rights on the allegations presented.

KEY QUOTATIONS

“A challenge to a manner of detention based on statutory construction cannot be transformed into a challenge to an agency’s decision to commence proceedings.” (at 8)

“In sum, Petitioner is an applicant for admission under the plain language of § 1225(a)(1) because he is present in the United States and charged with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as

someone who entered the United States without inspection.” (at 15)

“The alien is “seeking admission” in the same way the alien is “an applicant for admission”—by congressional decree.” (at 21)

“In sum, § 1225 unambiguously deems Petitioner an “applicant for admission” who is “seeking admission.”” (at 29)

“For these reasons, the Court ACCEPTS IN PART and REJECTS IN PART the Report and Recommendation.” (at 35)

FACTUAL BACKGROUND

Montoya, a Mexican citizen, entered the United States without inspection in approximately 2005 and remained continuously for about twenty years. ICE detained him in September or early October 2025 and charged him as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i). An immigration judge denied his bond request for lack of jurisdiction under *Matter of Yajure Hurtado*, and Montoya remained detained at the Cimarron Correctional Facility while removal proceedings were pending.

PROCEDURAL HISTORY

Montoya, a Mexican citizen detained during pending removal proceedings, filed a § 2241 petition challenging detention under 8 U.S.C. § 1225(b)(2)(A) without a bond hearing and asserting a Fifth Amendment due-process violation. The matter was referred to Magistrate Judge Chris Stephens, whose Report and Recommendation found jurisdiction and recommended relief based on detention under § 1226 rather than § 1225. The Government objected, Montoya responded, and the district court accepted the jurisdictional portion of the recommendation but rejected the remainder and denied habeas relief.

DISPOSITION

dismissed

CASES CITED

- *United States v. Great Northern Ry.*, 287 U.S. 144, 154 (1932)
- *Castanon-Nava v. U.S. Department of Homeland Security*, No. 25-3050, 2025 WL 3552514, at *8-10 (7th Cir. Dec. 11, 2025)
- *Camreta v. Greene*, 563 U.S. 692, 709 n.7 (2011)
- *United States v. Raddatz*, 447 U.S. 667, 674 (1980)
- *Rasul v. Bush*, 542 U.S. 466, 483 (2004)
- *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004)
- *Jennings v. Rodriguez*, 583 U.S. 281, 293-95, 298-304 (2018)
- *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 482 (1999)
- *Alvarez v. U.S. Immigration & Customs Enforcement*, 818 F.3d 1194, 1203 (11th Cir. 2016)
- *Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989)

- Rotkiske v. Klemm, 589 U.S. 8, 14 (2019)
- Bates v. United States, 522 U.S. 23, 29 (1997)
- United States v. Rentz, 777 F.3d 1105, 1110 (10th Cir. 2015)
- United States v. Woods, 571 U.S. 31, 45 (2013)
- Romero v. Hyde, 795 F. Supp. 3d 271, 284-85 & n.31 (D. Mass. 2025)
- Rodriguez v. Bostock, No. 3:25-cv-05240-TMC, 2025 WL 2782499, at *20 n.7 (W.D. Wash. Sept. 30, 2025)
- Southwest Airlines Co. v. Saxon, 596 U.S. 450, 457-58 (2022)
- Henson v. Santander Consumer USA, Inc., 582 U.S. 79, 85 (2017)
- U.S. Forest Service v. Cowpasture River Preservation Association, 590 U.S. 604, 614 (2020)
- Florida Department of Revenue v. Piccadilly Cafeterias, Inc., 554 U.S. 33, 47 (2008)
- SAS Institute Inc. v. Iancu, 584 U.S. 357, 363-64 (2018)
- Barton v. Barr, 590 U.S. 222, 239 (2020)
- Rimini Street, Inc. v. Oracle USA, Inc., 586 U.S. 334, 346 (2019)
- South Dakota v. Yankton Sioux Tribe, 522 U.S. 329, 355 (1998)
- United States v. Philadelphia National Bank, 374 U.S. 321, 348-49 (1963)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 400 (2024)
- Wisconsin Central Ltd. v. United States, 585 U.S. 274, 284 (2018)
- Flast v. Cohen, 392 U.S. 83, 94 (1968)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- United States v. Fisher, 38 F.3d 1144, 1147 (10th Cir. 1994)
- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103, 107 (2020)
- Parra v. Perryman, 172 F.3d 954, 958 (7th Cir. 1999)
- Michael H. v. Gerald D., 491 U.S. 110, 127 n.6 (1989)
- Zadvydas v. Davis, 533 U.S. 678, 689, 693-95, 701 (2001)
- Demore v. Kim, 538 U.S. 510, 514-15, 519, 521, 523-28, 527-31 (2003)
- Wong Wing v. United States, 163 U.S. 228, 235 (1896)
- Carlson v. Landon, 342 U.S. 524, 543 (1952)
- McIntosh v. U.S. Parole Commission, 115 F.3d 809, 810 n.1 (10th Cir. 1997)
- Bradshaw v. Story, 86 F.3d 164, 165-66 (10th Cir. 1996)

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