

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Ludin Rodrigo Juarez-Montenegro v. Todd M. Lyons, Acting Director Immigration and Customs Enforcement, et al.

Juarez-Montenegro v. Lyons, No. 1:26-CV-419-BDP (W.D.N.Y. May 29, 2026) · No. 1:26-CV-419-BDP · Decided May 29, 2026

SUMMARY

The court granted Ludin Rodrigo Juarez-Montenegro’s amended 28 U.S.C. § 2241 habeas petition and denied the government’s motion to dismiss. It held that the petition challenging the manner of his immigration detention was not barred by 8 U.S.C. § 1252 and that ICE violated due process by revoking his order of supervision without making the findings required by 8 C.F.R. § 241.4(l)(2). The court ordered his immediate release subject to the preexisting order of supervision and awarded costs and reasonable attorneys’ fees.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Barrington D. Parker
JURISDICTION	United States District Court for the Western District of New York
DECIDED	May 29, 2026
DOCKET	1:26-CV-419-BDP
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner brought an amended petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his detention after ICE revoked his order of supervision. Respondents moved to dismiss under Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	A Rule 12(b)(1) motion is properly granted when the district court lacks statutory or constitutional authority to adjudicate the matter, and the court may consider evidence outside the pleadings. A Rule 12(b)(6) motion is granted when the pleading lacks sufficient factual matter to state a plausible claim for relief. A § 2241 petitioner bears the burden of proving custody contrary to law by a preponderance of the evidence.

PRECEDENTIAL VALUE	unpublished district court decision
PARTIES	Ludin Rodrigo Juarez-Montenegro v. Todd M. Lyons, Acting Director, Immigration and Customs Enforcement, Joseph E. Freden, Immigration and Customs Enforcement Deputy Field Office Director, Kristi Noem, Secretary of the U.S. Department of Homeland Security, Pamela Bondi, Attorney General of the United States, Donald J. Trump, President of the United States

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QUESTIONS PRESENTED

1. Whether 8 U.S.C. §§ 1252(b)(9) and 1252(g) deprived the district court of jurisdiction over a § 2241 petition challenging the manner and legality of immigration detention rather than the underlying removal order.
2. Whether a noncitizen previously released under an order of supervision is subject to mandatory detention under 8 U.S.C. § 1231(a)(2) or the discretionary detention framework of § 1231(a)(6) upon redetention.
3. Whether ICE violated the Due Process Clause and its own regulations by revoking the order of supervision without making the findings required by 8 C.F.R. § 241.4(l)(2).
4. Whether immediate release was the appropriate habeas remedy for the procedural due process violation.

HOLDINGS

1. Sections 1252(g) and 1252(b)(9) do not bar district-court jurisdiction over a § 2241 petition that challenges the legality and manner of detention, rather than the validity or execution of the underlying removal order.
2. A noncitizen who was released under an order of supervision and later redetained is governed by the discretionary detention framework of 8 U.S.C. § 1231(a)(6), rather than the mandatory detention framework of § 1231(a)(2).
3. Before a district director revokes an order of supervision under 8 C.F.R. § 241.4(l)(2), the director must make the findings required by the regulation, including that revocation is in the public interest and that circumstances do not reasonably permit referral to the Executive Associate Commissioner.
4. Immediate release subject to the preexisting order of supervision was the appropriate remedy because the government placed Petitioner in custody without following the required revocation procedure, and it was unknowable whether lawful procedures would have produced the same result.

KEY QUOTATIONS

“It “does not preclude jurisdiction over the challenges to the legality of a noncitizen’s detention.”” (at 5)

“The Supreme Court has recognized that an alien may no doubt be returned to custody upon a violation of [supervision] conditions, but it has never given ICE . . . carte blanche to re-incarcerate someone without basic due process protection.” (at 8)

“Therefore, because no such finding has been made, the agency has violated its own regulations and, in doing so, Petitioner’s due process rights.” (at 9)

FACTUAL BACKGROUND

Petitioner, a Guatemalan national, was removed from the United States in May 2014 and reentered without authorization in March 2019. He was released from DHS custody under an order of supervision, but ICE revoked that order in September 2025, conducted an informal interview, and redetained him. Although he was placed in withholding-only proceedings after an immigration judge found that he had established a reasonable fear, the record did not show that the authorized official made the findings required by 8 C.F.R. § 241.4(l)(2) before revoking his release.

PROCEDURAL HISTORY

Petitioner was previously removed, later reentered the United States, and was released under an order of supervision. ICE revoked the order of supervision and redetained him in September 2025. After a reasonable-fear process and withholding-only proceedings, Petitioner filed this § 2241 petition. The court denied the motion to dismiss, granted habeas relief, ordered immediate release subject to the preexisting order of supervision, awarded costs and reasonable attorneys' fees, and closed the case.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The government was ordered to release Petitioner immediately, subject to the conditions of his preexisting order of supervision, certify compliance by filing a letter no later than June 5, 2026, and pay costs and reasonable attorneys' fees. The case was ordered closed.

CASES CITED

- Williams v. DHS/ICE/Immigr. Ct., 2023 WL 3585849, at *1 (W.D.N.Y. May 22, 2023)
- Makarova v. United States, 201 F.3d 110, 113 (2d Cir. 2000)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Rasul v. Bush, 542 U.S. 466, 473 (2004)
- Wang v. Ashcroft, 320 F.3d 130, 140 (2d Cir. 2003)

- Dzhabrailov v. Decker, 2020 WL 2731966, at *3 (S.D.N.Y. May 26, 2020)
- Skaftouros v. United States, 667 F.3d 144, 158 (2d Cir. 2011)
- Öztürk v. Hyde, 136 F.4th 382, 396-97 (2d Cir. 2025)
- Reno v. Am.-Arab Anti-Discrimination Comm., 525 U.S. 471, 482 (1999)
- Kong v. United States, 62 F.4th 608, 609 (1st Cir. 2023)
- Zhu v. Genalo, 798 F. Supp. 3d 400, 406-07 (S.D.N.Y. 2025)
- Torres-Jurado v. Biden, No. 19 Civ. 3595, 2023 WL 7130898, at *2 (S.D.N.Y. Oct. 29, 2023)
- You Xiu Qing v. Nielsen, 321 F. Supp. 3d 451, 457 (S.D.N.Y. 2018)
- Ceesay v. Kurzdorfer, 781 F. Supp. 3d 137, 152-53, 161-62 (W.D.N.Y. 2025)
- Lin v. Francis, No. 25 CIV. 10001 (PAE), 2025 WL 3751855, at *2-3 (S.D.N.Y. Dec. 29, 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 292-95 (2018)
- Singh v. Napolitano, 500 F. App'x 50, 52 (2d Cir. 2012)
- Tazu v. Att'y Gen. United States, 975 F.3d 292, 294-95, 298-99 (3d Cir. 2020)
- Westley v. Harper, No. 25-229, 2025 WL 592788, at *6 (E.D. La. Feb. 24, 2025)
- de Rodriquez v. Hyde, No. 25-CV-13210-AK, 2026 WL 220416, at *2 (D. Mass. Jan. 28, 2026)
- Lopez v. Trump, No. 25-CV-04826 (JAV), 2025 WL 3274224, at *7 (S.D.N.Y. July 10, 2025)
- Rombot v. Souza, 296 F. Supp. 3d 383, 387, 389 (D. Mass. 2017)
- Ndoeye v. Joyce, No. 26-CV-1219 (VSB), 2026 WL 765635, at *4-5 (S.D.N.Y. Mar. 17, 2026)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Dep't of Homeland Sec. v. Thuraissigiam, 591 U.S. 103, 107 (2020)
- Funes v. Francis, 810 F. Supp. 3d 472, 502-03 (S.D.N.Y. Nov. 24, 2025)

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