

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Castro v. Bondi

No. 26-3054-JWL (D. Kan. Apr. 1, 2026) · No. No. 26-3054-JWL · Decided April 1, 2026

SUMMARY

The United States District Court for the District of Kansas partially grants Zury Sarahi Castro’s petition for habeas corpus under 28 U.S.C. § 2241. The court holds that the Government could not detain Castro under 8 U.S.C. § 1225(b)(2)(A) and that her detention was instead governed by 8 U.S.C. § 1226(a), which permits release on bond. Because an immigration judge had previously ordered Castro’s release on a \$5,000 bond, the court orders Respondents to effectuate that release by April 6, 2026, without an equivalent stay.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	April 1, 2026
DOCKET	No. 26-3054-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without consideration for release on bond.
STANDARD OF REVIEW	The court reviewed the § 2241 detention claim to determine whether Castro was in custody in violation of the Constitution or laws of the United States.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive value only
PARTIES	Zury Sarahi Castro v. Pamela Bondi, Attorney General, Executive Office for Immigration Review, Secretary of Homeland Security, Samuel Olson, ICE Field Office Director, Department of Homeland Security, Jacob Welsh, Warden, Chase County Detention Center

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QUESTIONS PRESENTED

1. Whether Castro's detention was governed by 8 U.S.C. § 1225(b)(2)(A) or by 8 U.S.C. § 1226(a).
2. Whether the Government violated the governing detention statutes by refusing to permit consideration of Castro's release on bond under § 1226(a).
3. Whether the appropriate habeas relief was a new bond hearing or enforcement of the immigration judge's prior \$5,000 bond determination.
4. Whether the court should grant Castro's requested release without bond or on recognizance.

HOLDINGS

1. Because Castro was not a newly arriving alien and had been present in the United States for many years before detention, the Government could not detain her under § 1225(b)(2)(A); her detention pending a final removal decision was governed by § 1226(a).
2. The Government violated the detention statutes by refusing to allow consideration of Castro's release on bond under § 1226(a).
3. A new bond hearing was unnecessary because the immigration judge had already considered the merits and ordered Castro's release on a \$5,000 bond, and the Government had offered no merits-based opposition to that determination.
4. Castro was not entitled to release without bond or on recognizance; the proper relief was release subject to the same \$5,000 bond terms previously set by the immigration judge.

KEY QUOTATIONS

“To obtain habeas corpus relief, petitioner must demonstrate that he is “in custody in violation of the Constitution or laws or treaties of the United States.””

“The Court therefore concludes in this case that the Government may not detain petitioner under Section 1225(b)(2)(A), and that it may therefore detain petitioner pending a final removal decision only under Section 1226(a), which allows for release on bond.”

FACTUAL BACKGROUND

Castro, a citizen of Mexico, entered the United States without authorization as a baby in approximately 1991 and had lived in the United States for many years before her detention. After her detention and the initiation of removal proceedings, an immigration judge initially denied bond on the ground that 8 U.S.C. § 1225(b)(2)(A) mandated detention, but later granted release on a \$5,000 bond after considering the merits. The immigration judge subsequently reconsidered that decision and denied bond for lack of jurisdiction, even though the Government had not presented merits-based evidence opposing release.

PROCEDURAL HISTORY

Castro was detained by immigration officials on January 17, 2026, and removal proceedings were initiated. An immigration judge initially denied bond for lack of jurisdiction, later granted release on a \$5,000 bond, and then sua sponte reconsidered and again denied bond for lack of jurisdiction after the Government invoked an automatic stay and appealed. Castro filed this § 2241 habeas petition, and the district court granted relief in part by ordering her release on the same \$5,000 bond terms previously set by the immigration judge.

DISPOSITION

other

REMAND INSTRUCTIONS

Respondents must release Castro on or before April 6, 2026, subject to the same terms previously set by the immigration judge, including a \$5,000 bond, without an analogous automatic stay, and must notify the court when the relief has been provided. All other requested relief was denied.

CASES CITED

- Galdamez Orellana v. Welsh, 2026 WL 710121 (D. Kan. Mar. 13, 2026)
- Demore v. Kim, 538 U.S. 510, 517–18 (2003)
- Avila v. Bondi, 2026 WL 819258 (8th Cir. Mar. 25, 2026)
- Buenrostro-Mendez v. Bondi, 166 F.4th 494, 508–21 (5th Cir. 2026) (Douglas, J., dissenting)
- Hurtado

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