

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, NORFOLK DIVISION

Jose Bonilla Giron v. Paul Perry, et al.

Civil Action No. 2:26-cv-585 (E.D. Va. June 15, 2026) · No. 2:26-cv-585 · Decided June 15, 2026

SUMMARY

The court granted Jose Bonilla Giron’s habeas petition under 28 U.S.C. § 2241, holding that his detention was governed by the discretionary detention provisions of 8 U.S.C. § 1226(a), rather than the mandatory detention provisions of § 1225(b)(2)(A). The court ordered Respondents to provide Petitioner with a bond hearing before an Immigration Judge within three days and to file a status report afterward.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Norfolk Division
WRITING FOR THE COURT	Elizabeth W. Hanes
JURISDICTION	United States District Court for the Eastern District of Virginia, Norfolk Division
DECIDED	June 15, 2026
DOCKET	2:26-cv-585
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, challenging his immigration detention and requesting release or a bond hearing.
STANDARD OF REVIEW	The Court reviewed the habeas petition and the parties' filings to determine whether Petitioner's detention complied with the governing statutory and constitutional provisions.
PRECEDENTIAL VALUE	Unknown; memorandum order from a federal district court
PARTIES	Jose Bonilla Giron v. Paul Perry, et al.

TOPICS

- immigration detention
- due process
- procedural due process
- statutory interpretation
- removal proceedings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a noncitizen who entered the United States without inspection and is already physically present in the country is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) or discretionary detention under 8 U.S.C. § 1226(a).
2. Whether Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a).
3. Whether continued detention without a bond hearing violates due process.

HOLDINGS

1. A noncitizen who entered the United States without inspection but is already in the country and is not seeking initial admission is subject to the discretionary detention provisions of 8 U.S.C. § 1226(a), rather than mandatory detention under § 1225(b)(2)(A).
2. Because § 1226(a) governs Petitioner's detention, Petitioner is entitled to a bond hearing before an Immigration Judge.
3. Petitioner's continued detention without a bond hearing violates his due process rights.

KEY QUOTATIONS

“But once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”

“Therefore, the Court concludes that 8 U.S.C. § 1226(a) entitles Petitioner to a bond hearing before an Immigration Judge.”

FACTUAL BACKGROUND

Petitioner is a noncitizen who entered the United States without inspection and was detained by ICE at the Caroline Detention Center. He was detained under circumstances implicating the choice between discretionary detention under 8 U.S.C. § 1226(a) and mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Petitioner sought release or, alternatively, a bond hearing.

PROCEDURAL HISTORY

Jose Bonilla Giron, a noncitizen detained by ICE, filed a § 2241 petition alleging unlawful detention without a bond hearing. The Court directed Respondents to identify any material differences between this case and *Duarte Escobar v. Perry*. Respondents stated that there were no material differences and incorporated their arguments from *Duarte Escobar*. The Court granted the petition and ordered a bond hearing before an Immigration Judge.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Petitioner a bond hearing before an Immigration Judge within three days of the order. Respondents must file a status report within three days after the hearing stating whether bond was granted and, if denied, the case-specific reasons given by the Immigration Judge.

CASES CITED

- Duarte Escobar v. Perry, 807 F. Supp. 3d 564 (E.D. Va. 2025)
- Hasan v. Crawford, 800 F. Supp. 3d 641, 651-57 (E.D. Va. 2025)
- Landon v. Plasencia, 459 U.S. 21, 32 (1982)
- Zadvydas v. Davis, 533 U.S. 678, 693 (2001)

INSTRUCTIONS FOR AN AI ASSISTANT

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