

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

Jose Perez Colixto v. Jeffrey Crawford, et al.

Colixto · No. 2:26-cv-512 · Decided June 2, 2026

SUMMARY

The court granted Jose Perez Colixto’s 28 U.S.C. § 2241 petition challenging his continued immigration detention without a bond hearing. It held that, because he was detained under 8 U.S.C. § 1226 rather than the mandatory-detention provisions of § 1225(b)(2)(A), he was entitled to a bond hearing before an Immigration Judge. The court ordered that the hearing occur within fourteen days and required Respondents to file a status report within three days after the hearing.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Norfolk Division
WRITING FOR THE COURT	Elizabeth W. Hanes
JURISDICTION	U.S. District Court for the Eastern District of Virginia, Norfolk Division
DECIDED	June 2, 2026
DOCKET	2:26-cv-512
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking release or a bond hearing.
STANDARD OF REVIEW	The Court reviewed the habeas petition and the parties' filings to determine the statutory basis for detention and whether continued detention without a bond hearing violated due process.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jose Perez Colixto v. Jeffrey Crawford, et al.

TOPICS

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

PRACTICE AREAS

immigration detention

habeas corpus

constitutional law

civil rights

QUESTIONS PRESENTED

1. Whether Petitioner, a noncitizen who entered the United States without inspection but is detained under 8 U.S.C. § 1226, is entitled to a bond hearing under § 1226(a) rather than mandatory detention under 8 U.S.C. § 1225(b)(2)(A).
2. Whether Petitioner's continued detention without a bond hearing violates due process.

HOLDINGS

1. Because Petitioner was not seeking initial admission and was an alien already in the country, his detention is governed by the discretionary detention provisions of 8 U.S.C. § 1226(a), not the mandatory-detention provision of § 1225(b)(2)(A).
2. Petitioner is entitled to a bond hearing before an Immigration Judge, and his continued detention without such a hearing is unlawful and violates due process.

KEY QUOTATIONS

“Accordingly, the discretionary detention provisions of 8 U.S.C. § 1226(a) apply in this case, and therefore Petitioner’s continued detention without a bond hearing is unlawful and violates Petitioner’s due process rights.” (at 2)

“For these reasons, the Court will GRANT the Petition, and ORDER that Petitioner be provided a bond hearing pursuant to 8 U.S.C. § 1226(a) within fourteen (14) days of this Order.” (at 2)

FACTUAL BACKGROUND

Jose Perez Colixto is a noncitizen who entered the United States without inspection and was taken into ICE custody at the Farmville Detention Center. He alleged that he was unlawfully detained and denied a bond hearing. Respondents conceded that he was detained under 8 U.S.C. § 1226 and were amenable to a bond hearing.

PROCEDURAL HISTORY

Petitioner, a noncitizen detained by ICE, filed a § 2241 petition alleging unlawful detention without a bond hearing. The Court directed Respondents to address whether the case materially differed from *Duarte Escobar v. Perry*. Respondents stated that Petitioner was detained under 8 U.S.C. § 1226 and that the Federal Respondents were amenable to bond. The Court granted the petition and ordered a bond hearing within fourteen days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Petitioner a bond hearing before an Immigration Judge within fourteen 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, 651-657 (E.D. Va. 2025)
- Landon v. Plasencia, 459 U.S. 21, 32 (1982)
- Zadvydas v. Davis, 533 U.S. 678, 693 (2001)

OPINION

Colixto

PER CURIAM.

FINO RT HTHE EU ENAITSETDE RSNTA DTIESTS RDIICSTT ROIFC VT ICROGUINRITA
Norfolk Division

JOSE PEREZ COLIXTO,

Petitioner, v. Civil Action No. 2:26-cv-512 JEFFREY CRAWFORD, et al., Respondents.

MEMORANDUM ORDER

Petitioner Jose Perez Colixto (“Petitioner”), a noncitizen and detainee of the United States Immigration and Customs Enforcement (“ICE”), filed a Petition for Writ of Habeas Corpus (“Petition”) pursuant to 28 U.S.C. § 2241, alleging that he has been unlawfully detained and denied a bond hearing under 8 U.S.C. § 1226. Dkt. No. 1. Petitioner was taken into ICE custody, and has been detained at the Farmville Detention Center. Dkt. No. 1. Petitioner asks this Court to order his release from ICE custody or, in the alternate, to order a bond hearing under 8 U.S.C. § 1226. The Petition turns on the resolution of an issue pending throughout the courts: whether Petitioner, as a noncitizen who entered the United States without inspection is entitled to a bond hearing under 8 U.S.C. § 1226(a), or whether he is subject to mandatory detention as provided for in 8 U.S.C. § 1225(b)(2)(A). Given the apparent similarities between this case and others pending before the Court, the Court ordered Respondents to file a notice indicating whether the factual and legal issues presented in the present Petition differ in any material fashion from those presented in Duarte Escobar v. Perry, et al., 807 F. Supp. 3d 564 (E.D. Va. 2025). In response, Respondents notified the Court that the “Petitioner is detained pursuant to 8 U.S.C. § 1226” and that the “Federal Respondents are amenable to bond.” Dkt. No. 6. Based on this Court’s review of the filings in this case and the Respondents’ concession, Petitioner is not “seeking admission” for purposes of § 1225(b)(2) and instead falls into the category of “aliens already in the country” subject to the discretionary detention provisions in § 1226(a). Therefore, the Court concludes that 8 U.S.C. § 1226(a) entitles Petitioner to a bond hearing before an Immigration Judge. Other jurists in this Court have previously addressed the same arguments concerning the application of 8 U.S.C. § 1226(a) in this context in cases such as Hasan v. Crawford, 800 F. Supp. 3d 641, 651–57 (E.D.

Va. 2025), and the Court incorporates Hasan's reasoning into this Order. The Supreme Court has "long held that an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative." *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). "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." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Accordingly, the discretionary detention provisions of 8 U.S.C. § 1226(a) apply in this case, and therefore Petitioner's continued detention without a bond hearing is unlawful and violates Petitioner's due process rights. For these reasons, the Court will GRANT the Petition, and ORDER that Petitioner be provided a bond hearing pursuant to 8 U.S.C. § 1226(a) within fourteen (14) days of this Order. Respondents are ORDERED to file a status report with this Court within three (3) days of the bond hearing, stating whether Petitioner has been granted bond, and, if his request for bond was denied, the case-specific reasons given by the Immigration Judge for that denial. 2 Let the Clerk of the Court send a copy of this Final Order to all counsel of record and to Petitioner at his address of record. It is SO ORDERED. Le Elizabeth W. Hanes United States District Judge Norfolk, Virginia Date: June 2, 2026