

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PRECEDENTIAL VALUE	nonprecedential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)

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