

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Siarhei Viantsko v. Craig A. Lowe, et al.

No. 4:25-CV-02523 (M.D. Pa. Feb. 5, 2026) · No. No. 4:25-CV-02523 · Decided February 5, 2026

SUMMARY

The court granted Siarhei Viantsko’s 28 U.S.C. § 2241 petition challenging his continued detention by ICE without a bond hearing. It held that 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in § 1225(b), governed because Viantsko was arrested after residing in the United States for an extended period. The court concluded that continued detention without a bond hearing violated due process and ordered the Government to provide a bond hearing or release him.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Matthew W. Brann
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	February 5, 2026
DOCKET	No. 4:25-CV-02523
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking a bond hearing or release.
STANDARD OF REVIEW	The court applied the Mathews v. Eldridge balancing test to evaluate Viantsko's Fifth Amendment due process claim.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Siarhei Viantsko v. Craig A. Lowe, et al.

TOPICS

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

PRACTICE AREAS

- immigration law
- habeas corpus
- constitutional law

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction under 28 U.S.C. § 2241 to review Viantsko's challenge to his continued immigration detention.
2. Whether Viantsko's detention was governed by 8 U.S.C. § 1225(b), which provides for mandatory detention without a bond hearing, or by 8 U.S.C. § 1226(a), which permits detention and requires access to a bond hearing.
3. Whether continued detention without a bond hearing violated Viantsko's Fifth Amendment right to due process.

HOLDINGS

1. The Immigration and Nationality Act does not strip the district court of jurisdiction over Viantsko's core habeas challenge to his continued detention without a bond hearing.
2. Because Viantsko was arrested after entering and residing in the United States for an extended period, his detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A), and he must receive a bond hearing.
3. Viantsko's continued detention without a bond hearing violates the Fifth Amendment Due Process Clause.

KEY QUOTATIONS

“In sum, a plain reading of § 1225(b) demonstrates that it applies to individuals who are attempting to enter the United States, not those already within the country.”

“These definitions create dual tracks: if an individual is detained attempting to enter the country illegally or while otherwise presenting themselves for inspection and entry, they are subject to mandatory detention pursuant to § 1225. If they are arrested after having already entered the country, they are subject to detention under § 1226 and are entitled to a bond hearing.”

“In balancing these three factors then, it is clear that Viantsko’s continued detention without a bond hearing violates his due process rights.”

FACTUAL BACKGROUND

Viantsko, a citizen and native of Belarus, entered the United States in November 2022 and was later paroled while his asylum application was pending. He obtained employment authorization and worked lawfully in the United States. ICE arrested him on August 20, 2025, after he had been living in the country for an extended period, and detained him without providing a bond hearing under the Government's view that mandatory detention under 8 U.S.C. § 1225(b) applied.

PROCEDURAL HISTORY

Viantsko filed a § 2241 petition while detained by ICE at the Pike County Correctional Facility, asserting that his detention was governed by 8 U.S.C. § 1226(a), which entitles him to a bond hearing, rather than § 1225(b), which provides for mandatory detention. Respondents initially challenged subject-matter jurisdiction under

several provisions of the Immigration and Nationality Act, but later withdrew that argument and conceded jurisdiction. After a status conference and a temporary stay pending a Third Circuit decision, the court lifted the stay, reached the merits, granted the petition, and ordered the Government to provide a bond hearing or release Viantsko.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Government must provide Viantsko with a bond hearing or release him from custody.

CASES CITED

- Khalil v. President, United States of America, 2026 WL 111933 (3d Cir. Jan. 15, 2026)
- Santana-Rivas v. Warden of Clinton Cnty. Corr. Facility, No. 3:25-CV-01896, 2025 WL 3522932 (M.D. Pa. Nov. 13, 2025)
- Patel v. O'Neill, No. 3:25-CV-2185, 2025 WL 3516865 (M.D. Pa. Dec. 8, 2025)
- Quispe v. Rose, No. 3:25-cv-02276, 2025 WL 3537279 (M.D. Pa. Dec. 10, 2025)
- Cunin v. Brian, No. 3:25-CV-1887, 2025 WL 3542999 (M.D. Pa. Dec. 10, 2025)
- Tazu v. Att'y Gen. U.S., 975 F.3d 292, 296 (3d Cir. 2020)
- Reno v. Am.-Arab Anti-Discrimination Comm., 525 U.S. 471, 482 (1999)
- Jennings v. Rodriguez, 583 U.S. 281, 293, 297, 303, 306 (2018)
- E.O.H.C. v. Sec'y U.S. Dep't of Homeland Sec., 950 F.3d 177, 186 (3d Cir. 2020)
- Denmore v. Kim, 538 U.S. 510, 517 (2003)
- Rasul v. Bush, 542 U.S. 466, 483 (2004)
- Trump v. J.G.G., 604 U.S. 670, 672 (2025)
- Ramirez-Montoya v. Rose, No. 3:25-CV-02411, 2025 WL 3709045, at *4-*6 (M.D. Pa. Dec. 22, 2025)
- Sewak v. I.N.S., 900 F.2d 667, 674 (3d Cir. 1990)
- Zadvydas v. Davis, 533 U.S. 678, 690, 693 (2001)
- Abdulai v. Ashcroft, 239 F.3d 542, 549 (3d Cir. 2001)
- Bethancourt Soto v. Soto, No. 25-CV-16200, 2025 WL 2976572, at *8 (D.N.J. Oct. 22, 2025)