

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Luis Antonio Ochoa Polo v. Michael T. Rose, et al.

Ochoa Polo · No. 2:25-cv-07021; 2:21-cv-01334 · Decided December 24, 2025

SUMMARY

The Eastern District of Pennsylvania granted Luis Antonio Ochoa Polo’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention. The court held that 8 U.S.C. § 1226(a), rather than § 1225(b)(2), governed his detention and that the Government violated his Fifth Amendment due process rights by failing to provide an individualized detention determination or bond hearing. The court ordered an immediate bond hearing, to occur no later than five days after the order, with immediate release required if the hearing was not provided.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Nitza I. Quiñones Alejandro
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	December 24, 2025
DOCKET	2:25-cv-07021; 2:21-cv-01334
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking immediate release or, alternatively, a bond hearing.
STANDARD OF REVIEW	The court reviewed the § 2241 habeas petition to determine whether the petitioner was in custody in violation of the Constitution or federal law and applied the Mathews v. Eldridge balancing test to the due-process claim.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; precedential status unknown
PARTIES	Luis Antonio Ochoa Polo v. Michael T. Rose, in his official capacity as ICE Acting Field Office Director, Kristi Noem, in her official capacity as Secretary of Homeland Security, Todd M. Lyons, in his official capacity as Acting Director of ICE, Jamal L. Jamison, warden of the

TOPICS

immigration detention

procedural due process

removal proceedings

statutory interpretation

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PRACTICE AREAS

immigration law

habeas corpus

constitutional law

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civil rights

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction under 28 U.S.C. § 2241 to review Ochoa Polo's statutory and constitutional challenges to his immigration detention.
2. Whether exhaustion of administrative remedies was required before Ochoa Polo could seek § 2241 habeas relief.
3. Whether Ochoa Polo, who entered the United States without inspection decades earlier and was arrested while living in the country, was subject to mandatory detention under 8 U.S.C. § 1225(b)(2) or discretionary detention under § 1226(a).
4. Whether detention without an individualized determination and bond hearing violated the Fifth Amendment Due Process Clause.
5. Whether the appropriate relief was an immediate bond hearing, with release required if the hearing was not timely provided.

HOLDINGS

1. The district court had jurisdiction to determine the statutory basis for Ochoa Polo's detention and to adjudicate his constitutional challenge; the cited INA jurisdiction-stripping provisions did not bar review of those claims.
2. Ochoa Polo was not required to exhaust administrative remedies before seeking § 2241 relief.
3. Ochoa Polo's detention was governed by 8 U.S.C. § 1226(a), not the mandatory-detention provision in § 1225(b)(2), because a person who entered the United States more than twenty years earlier and was living in the country was not then seeking admission.
4. Because Ochoa Polo was detained under § 1226(a), he was entitled to an opportunity to apply for release on bond and to an individualized detention determination; detention without those procedures violated the Fifth Amendment Due Process Clause.
5. The court granted the habeas petition and ordered the Government to provide Ochoa Polo with a bond hearing immediately and no later than five days after the court's order; failure to provide the hearing would require his immediate release.

KEY QUOTATIONS

“In the past twenty plus years while Mr. Ochoa has been living peaceably in the United States, he has not been “seeking admission,” and, thus, he is not subject to Section 1225(b)(2) and cannot be detained without a bond hearing or due process.” (at 7)

“Because the Government detained Mr. Ochoa without any individualized assessment, nor allowing for a bond hearing pursuant to Section 1226(a) and the Due Process Clause, this Court finds that Mr. Ochoa current detainment is unlawful and violates the INA and the Due Process Clause of the Fifth Amendment of the United States Constitution.” (Conclusion)

FACTUAL BACKGROUND

Luis Antonio Ochoa Polo, a Mexican citizen, entered the United States without inspection around 2002 at age twelve and had lived in the country for more than twenty years. He is the father of two United States-citizen children, had no criminal record, and the Government did not assert that he was dangerous or a flight risk. ICE agents arrested him as he left a Philadelphia Home Depot in his work vehicle on December 10, 2025, and detained him without a bond hearing or individualized assessment.

PROCEDURAL HISTORY

Ochoa Polo filed the habeas petition on December 12, 2025, after ICE arrested and detained him on December 10 without providing a bond hearing or individualized detention assessment. The Government opposed the petition, arguing that the court lacked jurisdiction and that detention was mandatory under 8 U.S.C. § 1225(b) (2). The district court granted the petition and ordered an immediate bond hearing, with immediate release required if the hearing was not provided within five days of the order.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Government must provide Ochoa Polo with a bond hearing immediately and no later than five days from the date of the court's order. If the hearing is not provided within that period, Ochoa Polo must be immediately released.

CASES CITED

- Walker v. Johnston, 312 U.S. 275, 286 (1941)
- Serrano-Alberto v. Attorney General of the United States, 859 F.3d 208, 211 (3d Cir. 2017)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- E.O.H.C. v. Secretary, United States Department of Homeland Security, 950 F.3d 177, 184 (3d Cir. 2020)
- Novo Nordisk Inc. v. Secretary, United States Department of Health and Human Services, 154 F.4th 105, 111 (3d Cir. 2025)
- Kashranov v. Jamison, No. 2:25-CV-05555-JDW, 2025 WL 3188399, at *3, *6-7 (E.D. Pa. Nov. 14, 2025)
- Picard v. Connor, 404 U.S. 270, 275 (1971)

- *Moscato v. Federal Bureau of Prisons*, 98 F.3d 757, 760 (3d Cir. 1996)
- *Vasquez v. Strada*, 684 F.3d 431, 433-34 (3d Cir. 2012)
- *Duvall v. Elwood*, 336 F.3d 228, 234 (3d Cir. 2003)
- *Qatani v. Attorney General*, 144 F.4th 485, 500 (3d Cir. 2025)
- *Jennings v. Rodriguez*, 583 U.S. 281, 289, 297, 303 (2018)
- *Zadvydas v. Davis*, 533 U.S. 678, 693, 695 (2001)
- *Johnson v. Guzman Chavez*, 594 U.S. 523, 527-28 (2021)
- *In re Adeniji*, 22 I. & N. Dec. 1102, 1113 (BIA 1999)
- *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)
- *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)
- *Landon v. Plasencia*, 459 U.S. 21, 34 (1982)
- *Boumediene v. Bush*, 553 U.S. 723, 779 (2008)
- *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 221, 225 (BIA 2025)