

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MISSOURI, SOUTHERN DIVISION

Jevanne Garvey v. Kristi Noem, et al.

No. 6:26-cv-3109-MDH (W.D. Mo. Mar. 4, 2026) · No. 6:26-cv-3109-MDH · Decided March 4, 2026

SUMMARY

The United States District Court for the Western District of Missouri granted Jevanne Garvey’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that his continued immigration detention following an immigration judge’s bond determination and DHS’s automatic-stay appeal violated substantive and procedural due process. The court ordered his immediate release, authorized potential Equal Access to Justice Act fees, and enjoined respondents from relocating him outside the court’s jurisdiction before complying with the order.

CASE DETAILS

COURT	United States District Court for the Western District of Missouri, Southern Division
WRITING FOR THE COURT	Douglas Harpool
JURISDICTION	United States District Court for the Western District of Missouri, Southern Division
DECIDED	March 4, 2026
DOCKET	6:26-cv-3109-MDH
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging his continued immigration detention and the automatic stay of an immigration judge's bond determination. The district court granted the petition, ordered immediate release, and enjoined respondents from relocating petitioner outside the court's jurisdiction before complying with the order.
STANDARD OF REVIEW	The court evaluated the constitutional detention challenge under substantive and procedural due process principles, applied the three-factor Mathews v. Eldridge balancing test to the procedural claim, and applied the Dataphase preliminary-injunction factors to the requested temporary restraining relief.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Jevanne Garvey v. Kristi Noem, et al.

TOPICS

immigration detention

procedural due process

substantive due process

injunctions

immigration

PRACTICE AREAS

immigration

constitutional law

habeas corpus

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(a)(2)(B)(ii) deprived the district court of jurisdiction over constitutional challenges to prolonged immigration detention.
2. Whether continued detention of a lawful permanent resident for nearly 200 days, after an immigration judge found no danger or flight risk and granted bond, violated substantive due process.
3. Whether the automatic stay of the immigration judge's bond determination under 8 C.F.R. § 1003.19(i)(2), without an opportunity for the detainee to contest the stay, violated procedural due process.
4. Whether petitioner was entitled to injunctive relief preventing respondents from relocating him outside the court's jurisdiction before compliance with the release order.
5. Whether petitioner could pursue attorneys' fees and costs under the Equal Access to Justice Act.

HOLDINGS

1. Section 1252(a)(2)(B)(ii) does not bar the district court from exercising habeas jurisdiction over constitutional challenges to prolonged detention without an individualized determination of dangerousness or flight risk.
2. Continued detention of petitioner under the circumstances violated substantive due process because the deprivation of liberty lacked a constitutionally sufficient relationship to a legitimate governmental purpose.
3. The automatic stay of an immigration judge's bond determination under 8 C.F.R. § 1003.19(i)(2), when invoked without standards, a hearing, or any opportunity for the detainee to contest the stay, violated procedural due process as applied to petitioner's continued detention.
4. A temporary restraining order was appropriate to enjoin respondents from relocating petitioner outside the court's jurisdiction before complying with the release order.

KEY QUOTATIONS

"Agencies have no "discretion" to violate the Constitution or binding statutes." (Discussion, Part I)

"In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." (Discussion, Part II)

"Respondents are ORDERED to immediately release Petitioner from custody." (Conclusion)

FACTUAL BACKGROUND

Petitioner had been a lawful permanent resident since July 27, 2024, based on his marriage to a United States citizen. He had been detained since August 13, 2025, despite dismissal of the only criminal charges against him and two favorable immigration-court rulings. After an immigration judge granted a \$10,000 bond and found petitioner posed no danger or flight risk, DHS filed an appeal that automatically stayed the bond determination under 8 C.F.R. § 1003.19(i)(2), leaving petitioner detained for nearly 200 days without a hearing or opportunity to challenge the stay.

PROCEDURAL HISTORY

Petitioner, a lawful permanent resident, had been detained by DHS since August 13, 2025. After immigration proceedings were terminated and later reopened, an immigration judge again ruled in petitioner's favor and subsequently granted a \$10,000 bond after finding that petitioner posed no danger or flight risk. DHS appealed, triggering the automatic stay under 8 C.F.R. § 1003.19(i)(2), and petitioner remained detained without an opportunity to contest the stay. He filed this § 2241 habeas petition, and the district court granted relief.

DISPOSITION

writ_granted

CASES CITED

- Sanchez v. LaRose, at *7
- Zadvydas v. Davis, 533 U.S. 678, 690 (2001)
- Hernandez v. Sessions, 872 F.3d 976, 981
- Alegria Palma v. LaRose, 25-cv-1942, ECF No. 14 (S.D. Cal. Aug. 11, 2025)
- Mathews v. Eldridge, 424 U.S. 319, 333, 335 (1976)
- Hamdi v. Rumsfeld, 542 U.S. 507, 529 (2004)
- Velasco Lopez v. Decker, 978 F.3d 842, 851 (2d Cir. 2020)
- Gunaydin v. Trump, 784 F. Supp. 3d 1175, 1188-89 (D. Minn. 2025)
- Nken v. Holder, 556 U.S. 418, 434 (2009)
- Dataphase Sys., Inc. v. C L Sys., Inc., 640 F.2d 109, 114 (8th Cir. 1981) (en banc)
- Calvin Klein Cosmetics Corp. v. Lenox Labs., Inc., 815 F.2d 500, 503 (8th Cir. 1987)
- Commissioner, I.N.S. v. Jean, 496 U.S. 154, 163 (1990)
- Boudin v. Thomas, 732 F.2d 1107, 1114 (2d Cir. 1984)

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