

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, OWENSBORO DIVISION

Ivania Del Carmen Flores-Garcia v. Samuel Olson, et al.

Flores-Garcia · No. 4:26-cv-156-RGJ · Decided March 30, 2026

SUMMARY

The United States District Court for the Western District of Kentucky grants Ivania Del Carmen Flores-Garcia’s petition for a writ of habeas corpus. The court holds that 8 U.S.C. § 1226, rather than § 1225(b)(2), governs her immigration detention and that her continued detention without a bond hearing violates due process. The court orders her immediate release, requires a bond hearing before a neutral immigration judge before any re-detention, and directs the United States to certify compliance.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Owensboro Division
WRITING FOR THE COURT	Rebecca Grady Jennings
JURISDICTION	United States District Court for the Western District of Kentucky, Owensboro Division
DECIDED	March 30, 2026
DOCKET	4:26-cv-156-RGJ
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus challenging immigration detention under 8 U.S.C. §§ 1225 and 1226 and asserting a violation of the Fifth Amendment Due Process Clause.
STANDARD OF REVIEW	The court applied the three-part procedural due process balancing test from Mathews v. Eldridge to evaluate the lawfulness of continued civil detention.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Ivania Del Carmen Flores-Garcia v. Samuel Olson, United States, et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- procedural due process
- immigration

PRACTICE AREAS

immigration law

federal habeas corpus

constitutional law

civil rights

QUESTIONS PRESENTED

1. Whether Flores-Garcia's immigration detention was governed by 8 U.S.C. § 1225(b)(2)(A) or 8 U.S.C. § 1226.
2. Whether her continued detention without a merits bond hearing violated the Fifth Amendment Due Process Clause and the Immigration and Nationality Act.
3. Whether habeas relief required immediate release and a bond hearing before a neutral immigration judge before any re-detention.

HOLDINGS

1. Section 1226, rather than § 1225(b)(2), governed Flores-Garcia's detention because she was not seeking admission and the circumstances of her arrest and removal proceedings placed her detention under § 1226.
2. Flores-Garcia's continued detention without a merits bond hearing violated the Fifth Amendment Due Process Clause and the INA.
3. The proper remedy was immediate release from the unlawful detention and a neutral merits bond hearing before an immigration judge under § 1226 before any re-detention.

KEY QUOTATIONS

“Section 1226, not Section 1225(b)(2), applies to her detention.”

“The current detention of Flores-Garcia is in violation of the Due Process Clause and the INA.”

“Rather, [Petitioner’s rights] are violated because she has been detained without a hearing that accords with due process.”

FACTUAL BACKGROUND

Flores-Garcia, a 21-year-old citizen of El Salvador, entered the United States without inspection as an unaccompanied minor in 2022 and was placed in removal proceedings. After a January 2026 traffic stop and arrest for driving without a license, she was transferred to ICE custody in Kentucky, where ICE issued an I-200 arrest warrant and a second Notice to Appear. She had not received a merits bond hearing, and the government did not establish that she posed a flight risk or danger to the community.

PROCEDURAL HISTORY

Flores-Garcia filed a federal habeas petition while detained by ICE at the Grayson County Detention Center. The respondents opposed the petition, relying on arguments presented in related Sixth Circuit appeals, and the parties agreed that no evidentiary hearing was necessary. The district court granted the petition, ordered immediate release, and required a bond hearing before a neutral immigration judge before any re-detention.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The United States must immediately release Flores-Garcia, provide her with a bond hearing on the merits before a neutral immigration judge pursuant to § 1226 before any re-detention, and certify compliance by filing on the docket by March 31, 2026.

CASES CITED

- Edahi v. Lewis, 2025 WL 3466682 (W.D. Ky. Nov. 27, 2025)
- Vicen v. Lewis, 2026 WL 541171 (W.D. Ky. Feb. 26, 2026)
- Lopez-Campos v. Raycraft, Case No. 25-1965 (6th Cir. Oct. 27, 2025)
- Alvarez v. Noem, Case No. 25-1969 (6th Cir. Oct. 27, 2025)
- Contreras-Cervantes v. Raycraft, Case No. 25-1978 (6th Cir. Oct. 28, 2025)
- Pizarro Reyes v. Raycraft, Case No. 25-1982 (6th Cir. Oct. 29, 2025)
- A.A.R.P. v. Trump, 605 U.S. 91, 94 (2025)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)
- Hamdi v. Rumsfeld, 542 U.S. 507, 529 (2004)
- Zadvydas v. Davis, 533 U.S. 678, 690 (2001)
- Martinez v. Noem, 2025 WL 2598379, at *2 (W.D. Tex. Sept. 8, 2025)
- Munoz Materano, 2025 WL 2630826, at *15
- Sampiao, 2025 WL 2607924, at *12
- Hyppolite v. Noem, 2025 WL 2829511, at *15-*16 (E.D.N.Y. Oct. 6, 2025)
- Günaydin v. Trump, 2025 WL 1459154, at *10 (D. Minn. May 21, 2025)
- Thuraissigiam, 591 U.S. 103, 107 (2020)
- Matter of Guerra, 24 I. & N. Dec. 37, 40 (BIA 2006)
- Lopez-Arevelo v. Ripa, 2025 WL 2691828, at *12 (W.D. Tex. Sept. 22, 2025)
- Black v. Decker, 103 F.4th 133, 149-150 (2d Cir. 2024)
- Maldonado, 2025 WL 2968042, at *9-*10
- Morales-Martinez v. Raycraft, 2025 WL 3124695, at *7 (E.D. Mich. Nov. 7, 2025)