

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA, INDIANAPOLIS DIVISION

Nabi Mohammed v. Samuel Olson, Kerry J. Forestal, Kristi Noem,
U.S. Department of Homeland Security, Pamela Bondi, and Executive
Office for Immigration Review

Mohammed · No. 1:25-cv-02404-TWP-MKK · Decided December 10, 2025

SUMMARY

The United States District Court for the Southern District of Indiana grants Nabi Mohammed's petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court holds that his detention is governed by 8 U.S.C. § 1226(a), making him eligible for an individualized bond hearing, rather than mandatory detention under § 1225(b)(2). Respondents are ordered within seven days either to provide a bond hearing before an Immigration Judge or release Mohammed under reasonable conditions of supervision.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana, Indianapolis Division
WRITING FOR THE COURT	Tanya Walton Pratt
JURISDICTION	United States District Court for the Southern District of Indiana, Indianapolis Division
DECIDED	December 10, 2025
DOCKET	1:25-cv-02404-TWP-MKK
DISPOSITION	granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from immigration detention, requesting immediate release or an individualized bond hearing under 8 U.S.C. § 1226(a). The government opposed relief and argued that the petition was premature for failure to exhaust administrative remedies and that detention was authorized under 8 U.S.C. § 1225(b)(2).
STANDARD OF REVIEW	The court reviewed the legality of petitioner's federal immigration detention under 28 U.S.C. § 2241 and interpreted the governing provisions of the Immigration and Nationality Act de novo.

PRECEDENTIAL VALUE	unreported district court order
PARTIES	Nabi Mohammed v. Samuel Olson, Kerry J. Forestal, Kristi Noem, U.S. Department of Homeland Security, Pamela Bondi, Executive Office for Immigration Review

TOPICS

immigration detention removal proceedings statutory interpretation remedies procedural due process

PRACTICE AREAS

immigration law federal habeas corpus immigration detention removal proceedings
statutory interpretation

QUESTIONS PRESENTED

1. Whether exhaustion of available administrative remedies should be required when Immigration Judges and the Board of Immigration Appeals would likely deny jurisdiction over a bond hearing under then-existing BIA precedent.
2. Whether Mohammed's post-parole detention was governed by the mandatory-detention provisions of 8 U.S.C. § 1225(b)(2) or the discretionary detention and bond provisions of 8 U.S.C. § 1226(a).
3. Whether detention under § 1226(a) without an opportunity for an individualized bond hearing violated the Immigration and Nationality Act and entitled Mohammed to habeas relief.
4. Whether 8 U.S.C. § 1226(e) deprived the district court of jurisdiction to review Mohammed's challenge to detention without a bond hearing.

HOLDINGS

1. Exhaustion was not required because pursuing a bond request before an Immigration Judge would have been futile in light of BIA decisions holding that Immigration Judges lacked authority to conduct bond hearings for noncitizens who entered without inspection.
2. Mohammed's post-parole detention was governed by 8 U.S.C. § 1226(a), not the mandatory-detention provision in § 1225(b)(2).
3. Detaining Mohammed under § 1226(a) without providing an opportunity for an individualized bond hearing violated the Immigration and Nationality Act and entitled him to habeas relief under 28 U.S.C. § 2241(c)(3).

KEY QUOTATIONS

“Taken together, the plain text of the statute, the statutory context, and DHS's prior usage and history demonstrate that Petitioner may only be lawfully detained pursuant to § 1226(a).” (Section III.A)

“In sum, Petitioner's detention without opportunity to request a bond hearing from an IJ who will individually determine his eligibility for bond pursuant to § 1226(a) violates the INA.” (Section III.B)

“Within seven days of this order, Respondents must either: (1) provide Petitioner with an individualized bond hearing before an IJ pursuant to 8 U.S.C. § 1226(a); or (2) release Petitioner from custody, under reasonable conditions of supervision.” (Section VI)

FACTUAL BACKGROUND

Nabi Mohammed, an Indian citizen, entered the United States without inspection in November 2024 and was initially detained and processed for expedited removal. After an asylum officer found that he had demonstrated credible fear, DHS vacated the expedited-removal order, placed him in removal proceedings, and later released him on parole. In October 2025, after Mohammed had been living and working in Indiana, ICE arrested him pursuant to a Form I-200 warrant expressly invoking 8 U.S.C. § 1226 and detained him at the Marion County Jail without providing an individualized bond hearing.

PROCEDURAL HISTORY

Mohammed entered the United States without inspection, was initially processed for expedited removal, received a credible-fear determination, was placed in removal proceedings, and was later released on parole. After DHS rearrested him in Indiana pursuant to a warrant invoking 8 U.S.C. § 1226, he filed this § 2241 petition while detained and before appearing before an Immigration Judge. The district court declined to require exhaustion, granted the petition, and ordered the respondents either to provide an individualized bond hearing within seven days or release Mohammed under reasonable conditions of supervision.

DISPOSITION

granted

REMAND INSTRUCTIONS

Within seven days of the order, respondents must either provide Mohammed with an individualized bond hearing before an Immigration Judge pursuant to 8 U.S.C. § 1226(a), or release him from custody under reasonable conditions of supervision. Respondents must document the hearing or release and file notice with the court within four days of the action.

CASES CITED

- Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)
- Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025)
- Gonzalez v. O'Connell, 355 F.3d 1010, 1016 (7th Cir. 2004)
- Valencia v. Noem, No. 25-CV-12829, 2025 WL 3042520, at *2 (N.D. Ill. Oct. 31, 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 303, 306 (2018)
- Nielsen v. Preap, 586 U.S. 392, 397-98 (2019)
- Hernandez v. Sessions, 872 F.3d 976, 982 (9th Cir. 2017)
- In re Guerra, 24 I. & N. Dec. 37, 38 (BIA 2006)
- Campos Leon v. Forestal, No. 1:25-CV-01774-SEB-MJD, 2025 WL 2694763, at *3 (S.D. Ind. Sept. 22, 2025)

- Patel v. Crowley, No. 25 C 11180, 2025 WL 2996787, at *6 (N.D. Ill. Oct. 24, 2025)
- Kennedy v. Kijakazi, No. 22-2258, 2023 WL 1990303, at *3 (7th Cir. Feb. 14, 2023)
- Davis v. Michigan Department of Treasury, 489 U.S. 803, 809 (1989)
- King v. Burwell, 576 U.S. 473, 486 (2015)
- United States v. Thuraissigiam, 591 U.S. 103, 118-19 (2020)
- Corley v. United States, 556 U.S. 303, 314 (2009)
- Senne v. Village of Palatine, Illinois, 695 F.3d 597, 605 (7th Cir. 2012)
- Rodriguez v. Bostock, 779 F. Supp. 3d 1256, 1256-57 (W.D. Wash. 2025)
- Shady Grove Orthopedic Associates, P.A. v. Allstate Insurance Co., 559 U.S. 393, 400 (2010)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 385-86 (2024)
- NLRB v. Noel Canning, 573 U.S. 513, 525 (2014)
- Demore v. Kim, 538 U.S. 510, 516-17, 528 (2003)
- Zadvydas v. Davis, 533 U.S. 678, 701 (2001)
- Thuraissigiam, 591 U.S. 103, 107 (2020)
- Munaf v. Geren, 553 U.S. 674, 698 (2008)