

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

Alex Estuardo Hernandez Perez v. Arthur Maglinger, et al.

Hernandez Perez v. Maglinger · No. 4:26-cv-93-RGJ · Decided February 26, 2026

SUMMARY

The United States District Court for the Western District of Kentucky grants Alex Estuardo Hernandez Perez’s petition for a writ of habeas corpus. The court concludes that Perez, who had lived in the United States for approximately fifteen years and was detained pursuant to a Form I-200 warrant, was detained under 8 U.S.C. § 1226 rather than the mandatory-detention provisions of 8 U.S.C. § 1225, entitling him to a bond hearing before an immigration judge.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Owensboro Division
JURISDICTION	United States District Court for the Western District of Kentucky, Owensboro Division
DECIDED	February 26, 2026
DOCKET	4:26-cv-93-RGJ
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus challenging the statutory basis and constitutional validity of the petitioner's immigration detention.
STANDARD OF REVIEW	The court reviewed the statutory detention authority de novo and applied the three-part balancing test from Mathews v. Eldridge to the due-process claim.
PRECEDENTIAL VALUE	unpublished
PARTIES	Alex Estuardo Hernandez Perez v. Arthur Maglinger, et al.

TOPICS

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

PRACTICE AREAS

- immigration law
- habeas corpus
- immigration detention
- constitutional law

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2)(A), or instead 8 U.S.C. § 1226(a), governed the detention of a noncitizen who had entered the United States without inspection, had lived in the country for approximately fifteen years, and was detained pursuant to a Form I-200 warrant while removal proceedings were pending.
2. Whether continued detention under the circumstances violated the Fifth Amendment Due Process Clause.
3. Whether habeas relief should include immediate release and a bond hearing before a neutral immigration judge.

HOLDINGS

1. Section 1226, not § 1225(b)(2)(A), governed Perez's detention because he was already present in the United States, was not presently seeking admission, and had been arrested pursuant to a Form I-200 warrant authorized by § 1226.
2. Perez's continued detention without a merits bond hearing violated the Fifth Amendment Due Process Clause and the Immigration and Nationality Act.
3. The proper remedy was immediate release from the unlawful detention and a neutral bond hearing before an immigration judge before any redetention.

KEY QUOTATIONS

“Thus, Section 1225 is for arriving individuals “seeking admission” at the border and do not need to be arrested. Section 1226 is for noncitizens already present in the United States.” (Discussion § II.B)

“But this Court will not ignore words within a statute.” (Discussion § II.B)

“Habeas has traditionally been a means to secure release from unlawful detention.” (Discussion § III)

“The United States is directed to release Petitioner Perez immediately because of the unlawful detention in violation of his due process rights.” (Conclusion)

FACTUAL BACKGROUND

Perez, a Guatemalan citizen, had lived in the United States since approximately 2011 after entering without inspection. He had been placed in removal proceedings in 2024, sought asylum unsuccessfully, received an immigration judge's removal order, and appealed that order to the Board of Immigration Appeals; no final order of removal existed. ICE detained him on February 8, 2026, pursuant to a Form I-200 warrant, even though his notice to appear identified him as an alien present in the United States rather than an arriving alien. He had not received a merits bond hearing before his habeas petition.

PROCEDURAL HISTORY

Perez was detained by Immigration and Customs Enforcement while removal proceedings and his appeal from an immigration judge's removal order were pending. He filed a habeas petition asserting that his detention was governed by 8 U.S.C. § 1226 rather than § 1225 and that detention without a bond hearing violated due process.

The government opposed the petition, the parties agreed that an evidentiary hearing was unnecessary, and the district court granted habeas relief.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The United States must immediately release Perez, provide him with a bond hearing on the merits before a neutral immigration judge pursuant to § 1226 before any redetention, and certify compliance on the docket by February 27, 2026.

CASES CITED

- Bautista v. Santacruz, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025)
- Bautista v. Santacruz, 2025 WL 3713982
- Jennings v. Rodriguez, 583 U.S. 281 (2018)
- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103 (2020)
- Castañon-Nava v. Department of Homeland Security, 161 F.4th 1048 (7th Cir. 2025)
- Aroldo Rodriguez Diaz v. Merrick Garland, Rodriguez Disa v. Garland, 53 F.4th 1189 (9th Cir. 2022)
- In re Village Apothecary, Inc., 45 F.4th 940 (6th Cir. 2022)
- Roberts v. Sea-Land Services, Inc., 566 U.S. 93 (2012)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024)
- TRW Inc. v. Andrews, 534 U.S. 19 (2001)
- United States ex rel. Polansky v. Executive Health Resources, Inc., 599 U.S. 419 (2023)
- Dubin v. United States, 599 U.S. 110 (2023)
- Yates v. United States, 574 U.S. 528 (2015)
- Stone v. I.N.S., 514 U.S. 386 (1995)
- United States v. Taylor, 596 U.S. 845 (2022)
- Gustafson v. Alloyd Co., 513 U.S. 561 (1995)
- Corley v. United States, 556 U.S. 303 (2009)
- Torres v. Lynch, 578 U.S. 452 (2016)
- Biden v. Texas, 597 U.S. 785 (2022)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Hamdi v. Rumsfeld, 542 U.S. 507 (2004)
- Zadvydas v. Davis, 533 U.S. 678 (2001)
- A.A.R.P. v. Trump, 605 U.S. 91 (2025)
- Lopez-Campos v. Raycraft, F. Supp. 3d 771 (E.D. Mich. 2025)
- Matter of Guerra, 24 I. & N. Dec. 37 (BIA 2006)

- Black v. Decker, 103 F.4th 133 (2d Cir. 2024)

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