

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Robin Leiva Lemus v. Robert Lynch, et al.

Lemus · No. 4:26-cv-203 · Decided February 23, 2026

SUMMARY

The United States District Court for the Northern District of Ohio grants Robin Leiva Lemus’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 and denies the government’s motion to dismiss. The court holds that Lemus’s detention is governed by 8 U.S.C. § 1226(a), which provides for discretionary bond hearings, rather than 8 U.S.C. § 1225(b)(2)’s mandatory detention provision. The court also concludes that 8 U.S.C. §§ 1252(b)(9) and 1252(g) do not bar jurisdiction and waives prudential exhaustion requirements.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Sara Lioi
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	February 23, 2026
DOCKET	4:26-cv-203
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without a bond hearing; respondents moved to dismiss.
STANDARD OF REVIEW	The court independently reviewed statutory jurisdiction, prudential exhaustion, statutory interpretation, and the constitutional due-process claim. Prudential exhaustion was reviewed under a discretionary balancing of individual and institutional interests. The due-process issue was analyzed under the Mathews v. Eldridge balancing test.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive authority only
PARTIES	Robin Leiva Lemus v. Robert Lynch, Kristi Noem, Pamela Bondi

TOPICS

immigration detention

removal proceedings

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether 8 U.S.C. §§ 1252(b)(9) or 1252(g) deprived the district court of jurisdiction over Lemus's § 2241 challenge to the denial of a bond hearing.
2. Whether the court should waive prudential exhaustion of administrative remedies.
3. Whether an immigrant who has lived in the United States for years and is detained in the interior, rather than while seeking lawful entry, is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) or discretionary detention and bond under § 1226(a).
4. Whether detention without a bond hearing under § 1225(b)(2), when § 1226(a) applies, violates the Fifth Amendment Due Process Clause.

HOLDINGS

1. Section 1252(b)(9) does not bar jurisdiction over a habeas petition challenging the government's failure to provide a bond hearing when the petitioner does not challenge a removal order, the decision to seek removal, or the process for determining removability.
2. Section 1252(g) does not bar jurisdiction over Lemus's challenge to the denial of a bond hearing because the claim does not arise from one of the three discrete actions covered by that provision: commencing proceedings, adjudicating cases, or executing removal orders.
3. The court waived prudential exhaustion because the legal questions were fit for immediate judicial resolution, the BIA had predetermined the statutory issue, the BIA could not adjudicate the constitutional claim, and requiring exhaustion would cause substantial hardship through prolonged detention.
4. Section 1226(a), not § 1225(b)(2), governs an immigrant who has lived in the United States for years and is arrested and detained in the interior pending a removal determination without actively seeking lawful entry. Section 1225(b)(2) does not apply to all unadmitted immigrants present in the United States, and § 1226(a) is not limited to immigrants previously admitted.
5. Detaining Lemus without a bond hearing violated the Fifth Amendment because § 1226(a)'s discretionary bond framework applied and the Mathews factors favored providing the hearing.

KEY QUOTATIONS

"Section 1225(b)(2) does not apply to all unadmitted immigrants present in the United States, and § 1226(a) is not limited to immigrants admitted into the United States." (Section II.C.2)

“Rather, § 1226(a) applies broadly to immigrants arrested and detained pending removal determinations.”
(Section II.C.2)

“The Court thus has no trouble concluding that the government violated Lemus’s right to due process when it applied § 1225(b)(2)’s mandatory detention provision despite his detention falling under § 1226(a)’s discretionary bond provision.” (Section II.C.3)

“The government is ordered to either release Lemus immediately or hold a hearing no more than seven days from the day of this order to determine whether to release Lemus on bond pursuant to 8 U.S.C. § 1226(a) and consistent with this Court’s determination.” (Conclusion)

FACTUAL BACKGROUND

Lemus is an 18-year-old Honduran citizen who entered the United States with his mother in 2018 at age ten and allegedly was never admitted or paroled. He was placed in removal proceedings, ordered removed in absentia, and later obtained reopening. ICE detained him at a traffic stop in September or October 2025, and the Immigration Court denied his request for a bond hearing under the government’s policy treating long-term, unadmitted immigrants as subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

PROCEDURAL HISTORY

Lemus was placed in removal proceedings and was ordered removed in absentia on October 24, 2024. The Immigration Judge reopened the proceedings on November 22, 2024. After ICE detained Lemus in September or October 2025, the Immigration Court denied his second request for a custody redetermination hearing on January 26, 2026, and Lemus appealed that denial to the BIA. He filed this § 2241 petition the same day. The district court waived prudential exhaustion, granted the petition, denied the motion to dismiss, and ordered either immediate release or a bond hearing within seven days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The government must either release Lemus immediately or hold a hearing no more than seven days from the date of the order to determine whether to release him on bond under 8 U.S.C. § 1226(a) consistent with the court’s ruling. The government must file a certificate of compliance within fourteen days stating whether it has complied and whether Lemus remains in custody.

CASES CITED

- Chavez v. Director of Detroit Field Office, No. 4:25-cv-2061, 2025 WL 3187080 (N.D. Ohio Nov. 14, 2025)
- Jennings v. Rodriguez, 583 U.S. 281 (2018)
- Department of Homeland Security v. Regents of the University of California, 591 U.S. 1 (2020)
- Nielsen v. Preap, 586 U.S. 392 (2019)
- Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471 (1999)

- *McCarthy v. Madigan*, 503 U.S. 140 (1992)
- *Shearson v. Holder*, 725 F.3d 588 (6th Cir. 2013)
- *Shalala v. Illinois Council on Long Term Care, Inc.*, 529 U.S. 1 (2000)
- *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024)
- *TRW Inc. v. Andrews*, 534 U.S. 19 (2001)
- *Kentucky v. Biden*, 23 F.4th 585 (6th Cir. 2022)
- *Zadvvydas v. Davis*, 533 U.S. 678 (2001)
- *Mathews v. Eldridge*, 424 U.S. 319 (1976)
- *Foucha v. Louisiana*, 504 U.S. 71 (1992)
- *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)
- *Castañon-Nava v. U.S. Department of Homeland Security*, 161 F.4th 1048 (7th Cir. 2025)
- *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026)
- *Khalil v. President, United States*, 164 F.4th 259 (3d Cir. 2026)
- *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471 (1999)