

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Vladimir Matcharashvili v. Kristi Noem and Mary De Anda Ybarra

Matcharashvili · No. Civ. No. 26-180 JB/GJF · Decided March 26, 2026

SUMMARY

This Proposed Findings and Recommended Disposition addresses Vladimir Matcharashvili’s 28 U.S.C. § 2241 petition and complaint for emergency injunctive relief challenging his mandatory immigration detention. The court recommends granting relief on both the INA and Fifth Amendment due process claims, concluding that 8 U.S.C. § 1225(b)(2)(A) does not apply to his detention and that he should receive a bond hearing. The document also recommends rejecting or denying certain requested relief, including relief based on failure to exhaust administrative remedies.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Gregory J. Fouratt
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	March 26, 2026
DOCKET	Civ. No. 26-180 JB/GJF
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a complaint seeking emergency injunctive relief, challenging his detention without a bond hearing. The magistrate judge issued proposed findings and a recommended disposition, recommending that the petition be granted on the statutory and procedural-due-process claims and that relief be granted in part and denied in part.
STANDARD OF REVIEW	The court applied independent judgment to interpret the INA, declined to defer to the BIA's statutory interpretation, and considered prudential exhaustion under the futility exception. The proposed findings were subject to de novo review of properly objected-to portions by the presiding district judge.
PRECEDENTIAL VALUE	nonprecedential proposed findings and recommended disposition
PARTIES	Vladimir Matcharashvili v. Kristi Noem, Secretary, Department of Homeland Security, Mary De Anda Ybarra, Director, El Paso Field Office, Immigration and Customs Enforcement

TOPICS

immigration detention

procedural due process

due process

statutory interpretation

remedies

PRACTICE AREAS

immigration law

habeas corpus

constitutional law

administrative law

civil procedure

QUESTIONS PRESENTED

1. Whether the petition should be denied for failure to exhaust administrative remedies.
2. Whether 8 U.S.C. § 1225(b)(2)(A), which mandates detention of certain applicants for admission seeking admission, authorized the detention of a noncitizen who had entered the United States years earlier and had filed an asylum application.
3. Whether 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governed Matcharashvili's detention and entitled him to an individualized bond hearing.
4. Whether detention for more than two months without a bond hearing violated the Fifth Amendment's procedural Due Process Clause.
5. What relief was appropriate, including whether the court should order immediate release, a prompt bond hearing, and an injunction against transfer outside the district.

HOLDINGS

1. Respondents waived their exhaustion argument by failing to present its merits and by improperly attempting to incorporate arguments from a separate case. Alternatively, exhaustion was futile because the BIA's decision in *Matter of Yajure Hurtado* would have required an immigration judge to deny a bond request for lack of jurisdiction.
2. Section 1225(b)(2)(A) does not apply to a noncitizen who entered the United States years earlier and was not presently seeking admission at the time of detention. The filing of an asylum application seeks lawful status, not admission.
3. Because Matcharashvili was already present in the United States and was not seeking admission when ICE detained him, his detention was governed by § 1226(a), which entitles him to an individualized bond hearing.
4. Detaining Matcharashvili for more than two months without the bond hearing required by § 1226 violated the Fifth Amendment's procedural Due Process Clause.
5. The appropriate remedy was a prompt individualized bond hearing before an immigration judge within seven days, rather than immediate release; if Respondents could not or would not comply with § 1226, they should release Matcharashvili.

KEY QUOTATIONS

"The provision limits mandatory detention only to those applicants for admission who are also seeking admission." (Section V.B)

“Because “seeking admission” requires actively requesting admission, the filing of an application for asylum does not amount to “seeking admission” within the meaning of § 1225(b)(2)(A).” (Section V.B)

“Consequently, Respondents’ detention of Petitioner for more than two months without the requisite bond hearing violates both his statutory rights and his procedural due process rights.” (Section V.C)

FACTUAL BACKGROUND

Matcharashvili, a citizen of Georgia with no criminal history, had lived in the United States for several years and had a pending asylum application before the New York Immigration Court. ICE arrested him in Minneapolis in early January 2026 while he was working as a truck driver and detained him at the Cibola County Correctional Center in New Mexico. He had been detained for more than two months without a bond hearing.

PROCEDURAL HISTORY

Matcharashvili filed the action on January 27, 2026. Respondents filed an abbreviated response and incorporated arguments from a response in a different case; Matcharashvili replied. The magistrate judge recommended rejecting exhaustion as waived and, alternatively, finding exhaustion futile, then recommended granting the petition in part and denying specified remedies. The parties were notified that they could object within fourteen days under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that the presiding district judge grant the petition as to both causes of action, enjoin transfer outside the district during the proceeding, declare the detention unlawful, and issue a writ requiring an individualized bond hearing before an immigration judge within seven days. If Respondents could not or would not comply with § 1226, they should release Petitioner.

CASES CITED

- *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026)
- *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025)
- *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 394, 413 (2024)
- *Martinez v. Attorney General of U.S.*, 693 F.3d 408, 413 n.5 (3d Cir. 2012)
- *Jennings v. Rodriguez*, 583 U.S. 281 (2018)
- *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103 (2020)
- *Succar v. Ashcroft*, 394 F.3d 8, 15-16 (1st Cir. 2005)
- *County of Sacramento v. Lewis*, 523 U.S. 833, 845, 847 (1998)
- *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 542 (1985)
- *Zadvydas v. Davis*, 533 U.S. 678, 690, 693 (2001)

- *Hing Sum v. Holder*, 602 F.3d 1092, 1096 (9th Cir. 2010)
- *Dubin v. United States*, 599 U.S. 110, 121 (2023)
- *Almendarez-Torres v. United States*, 523 U.S. 224, 234 (1998)
- *Bankamerica Corp. v. United States*, 462 U.S. 122, 130-32 (1983)
- *Sanchez v. Mayorkas*, 593 U.S. 409, 411-16 (2021)
- *Medina-Rosales v. Holder*, 778 F.3d 1140, 1144-45 (10th Cir. 2015)
- *Macias v. New Mexico Department of Labor*, 300 F.R.D. 529, 562-63 (D.N.M. 2014)
- *United States v. Gordon*, 710 F.3d 1124, 1150 (10th Cir. 2013)
- *Gonzalez v. O'Connell*, 355 F.3d 1010, 1016 (7th Cir. 2004)
- *Garza v. Davis*, 596 F.3d 1198, 1203 (10th Cir. 2010)
- *Castro-Cortez v. I.N.S.*, 239 F.3d 1037, 1047 (9th Cir. 2001), overruled on other grounds by *Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006)
- *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992)
- *Ex parte Endo*, 323 U.S. 283, 304-06 (1944)
- *Pinson v. Berkebile*, 604 F. App'x 649, 652-53 (10th Cir. Mar. 10, 2015)