

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, WESTERN DIVISION

Ardit Lika v. Rafael Vergara

Cause No. 5:26-cv-00003-DCB-BWR (S.D. Miss. Mar. 16, 2026) (Report and Recommendation) · No. 5:26-cv-00003-DCB-BWR · Decided March 16, 2026

SUMMARY

The document is a Report and Recommendation addressing Ardit Lika’s motion for a temporary restraining order in a 28 U.S.C. § 2241 habeas proceeding concerning immigration detention. The magistrate judge recommends denying the motion because the claims appear moot following a final order of removal and, alternatively, because the petitioner failed to show a substantial likelihood of success on his statutory and due process claims. The recommendation relies on Fifth Circuit and Supreme Court precedent concerning detention under 8 U.S.C. §§ 1225 and 1231.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Western Division
WRITING FOR THE COURT	Bradley W. Rath
JURISDICTION	United States District Court for the Southern District of Mississippi, Western Division
DECIDED	March 16, 2026
DOCKET	5:26-cv-00003-DCB-BWR
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved for a temporary restraining order in a 28 U.S.C. § 2241 habeas proceeding challenging his detention under 8 U.S.C. § 1225(b)(2)(A). The magistrate judge issued a report and recommendation that the motion be denied.
STANDARD OF REVIEW	A party seeking a temporary restraining order or preliminary injunction must establish a substantial likelihood of success on the merits, a substantial threat of irreparable injury, that the threatened injury outweighs potential harm to the opponent, and that the injunction will not disserve the public interest. If the movant fails to show a substantial likelihood of success, no additional injunction-factor analysis is required. Proper objections to a magistrate judge's report and recommendation are reviewed de novo by the district judge

	under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ardit Lika v. Rafael Vergara, Warden of Adams County Correctional Center

TOPICS

immigration detention removal proceedings injunctions procedural due process civil procedure

PRACTICE AREAS

immigration federal habeas corpus constitutional law civil procedure injunctive relief

QUESTIONS PRESENTED

1. Whether Lika's motion for a temporary restraining order was moot because he no longer was detained under 8 U.S.C. § 1225(b)(2)(A) and had received a final order of removal.
2. Whether Lika showed a substantial likelihood of success on his statutory claim that he was entitled to release on bond under 8 U.S.C. § 1226(a) rather than mandatory detention under § 1225(b)(2)(A).
3. Whether Lika showed a substantial likelihood of success on his procedural- and substantive-due-process challenges to detention without a bond hearing under § 1225(b)(2)(A).

HOLDINGS

1. The petition and temporary restraining order motion appeared moot because they challenged detention under 8 U.S.C. § 1225(b)(2)(A), while Lika had obtained a final order of removal and was no longer being detained under that provision.
2. Assuming the statutory challenge was not moot, Lika failed to show a substantial likelihood of success because Fifth Circuit precedent foreclosed his argument that his residence in the United States made him eligible for bond under § 1226(a).
3. Lika failed to show a substantial likelihood of success on his procedural- and substantive-due-process claims challenging detention under § 1225(b)(2)(A) without an individualized bond hearing.
4. The motion for a temporary restraining order should be denied because Lika failed to establish a substantial likelihood of success on the merits.

KEY QUOTATIONS

“A preliminary injunction is “an extraordinary remedy.”” (at 2)

“It is recommended that Petitioner’s Motion for Temporary Restraining Order [5] be denied because Petitioner has not shown that his claims have a likelihood of success on the merits.” (at 16)

FACTUAL BACKGROUND

Lika, an Albanian citizen, entered the United States without inspection on October 16, 2023, was charged with removability, and was initially released on his own recognizance. ICE detained him on December 19, 2025, under 8 U.S.C. § 1225(b)(2)(A), after determining that he was present without having been admitted or paroled. He sought asylum and withholding of removal and later stated that he had been granted withholding of removal on January 15, 2026, resulting in a final order of removal. His detention under § 1225(b)(2)(A) lasted twenty-seven days before the motion was addressed.

PROCEDURAL HISTORY

Lika filed a § 2241 petition on January 8, 2026, and moved for a temporary restraining order on January 29, 2026, seeking release, a bond hearing, and restrictions on his possible transfer. During the proceedings, he received withholding of removal and stated that he therefore had a final order of removal. The report recommends denial because the challenged detention had ended or changed, rendering the claims apparently moot, and because Lika failed to show a substantial likelihood of success on the merits. The parties were advised that objections could be filed under Federal Rule of Civil Procedure 72(b).

DISPOSITION

other

CASES CITED

- Buenrostro-Mendez v. Bondi, 166 F.4th 494, 498, 502-08 (5th Cir. 2026)
- Zadvydas v. Davis, 533 U.S. 678, 684-86, 690, 699-700 (2001)
- Demore v. Kim, 538 U.S. 510, 513-14, 521-29 (2003)
- Jennings v. Rodriguez, 583 U.S. 281, 297-99 (2018)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Mathews v. Diaz, 426 U.S. 67, 79-80 (1976)
- Dusenbery v. United States, 534 U.S. 161, 168 (2002)
- Reno v. Flores, 507 U.S. 292, 306 (1993)
- Harisades v. Shaughnessy, 342 U.S. 580, 588-89 (1952)
- Miss. Power & Light Co. v. United Gas Pipeline Co., 760 F.2d 618, 621 (5th Cir. 1985)
- Clark v. Prichard, 812 F.2d 991, 993 (5th Cir. 1987)
- Apple Barrel Prods., Inc. v. Beard, 730 F.2d 384, 386 (5th Cir. 1984)
- Perez v. City of San Antonio, 163 F.4th 110, 134 (5th Cir. 2025)
- Barco Mercano v. Francis, No. 25-cv-6582, 2025 WL 3295903, at *13 (S.D.N.Y. Nov. 26, 2025)
- Hernandez v. Sessions, 872 F.3d 976, 994 (9th Cir. 2017)
- Douglass v. United Servs. Auto. Assoc., 79 F.3d 1415, 1428-29 (5th Cir. 1996)