

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

**Hasan Bagator v. Michael T. Rose, in his official capacity as Field
Office Director of the ICE Philadelphia Field Office, et al.**

Bagator · No. 3:25-cv-486 · Decided April 17, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania granted Hasan Bagator’s 28 U.S.C. § 2241 petition insofar as it sought an individualized bond hearing under 8 U.S.C. § 1226(a). The court overruled the respondents’ objections, directed that a bond hearing be conducted by April 27, 2026, and ordered release if the hearing was not provided or was denied on specified mandatory-detention grounds.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Stephanie L. Haines
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	April 17, 2026
DOCKET	3:25-cv-486
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from allegedly prolonged immigration detention, requesting immediate release or an individualized bond hearing. After the magistrate judge recommended granting relief insofar as Petitioner sought a bond hearing, Respondents objected, and the district court reviewed and adopted the recommendation.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's Report and Recommendation and the objections under 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72.D.2.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court memorandum order

TOPICS

immigration detention

removal proceedings

due process

civil procedure

immigration

PRACTICE AREAS

immigration detention

habeas corpus

immigration law

federal civil procedure

QUESTIONS PRESENTED

1. Whether Petitioner was eligible for an individualized bond hearing under 8 U.S.C. § 1226(a).
2. Whether Respondents' objections to the magistrate judge's recommendation should be sustained.
3. What relief should issue if the Government failed to provide the required bond hearing or relied on cited immigration decisions to deny a hearing.

HOLDINGS

1. Petitioner was eligible for an individualized bond hearing under 8 U.S.C. § 1226(a), and the petition was granted to the extent it sought that hearing.
2. Respondents' objections were overruled because they did not establish a basis to reject the magistrate judge's recommendation.
3. Respondents were ordered to provide Petitioner with the statutory process under § 1226(a), including a bond hearing before an immigration judge by April 27, 2026; failure to provide the hearing, or refusal to conduct it based on *Matter of Yajure Hurtado* or *Matter of Q. Li*, would require immediate release.

KEY QUOTATIONS

“Judge Lanzillo correctly found Petitioner to be eligible for a bond hearing under 8 U.S.C. § 1226(a).”

“the Government is directed to provide Petitioner with the statutory process required under 8 U.S.C. § 1226(a), which includes a bond hearing”

FACTUAL BACKGROUND

Petitioner Hasan Bagator was detained at Moshannon Valley Detention Center in connection with immigration proceedings. He claimed that his detention had become unconstitutionally prolonged and sought immediate release or, alternatively, an individualized bond hearing. The district court accepted the magistrate judge's finding that Petitioner was eligible for a bond hearing under 8 U.S.C. § 1226(a).

PROCEDURAL HISTORY

Hasan Bagator filed a § 2241 habeas petition while detained at Moshannon Valley Detention Center. Magistrate Judge Richard A. Lanzillo issued a Report and Recommendation recommending an individualized bond hearing. Respondents timely objected, but the district court overruled the objections, adopted the Report and Recommendation, granted the petition to the extent it sought a bond hearing, and directed the Government to provide the statutory process under 8 U.S.C. § 1226(a).

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Government was directed to provide Petitioner with the statutory process required under 8 U.S.C. § 1226(a), including an immigration-judge bond hearing by April 27, 2026. The parties were required to notify the court of the hearing's outcome within seven days. If no hearing occurred by the deadline, or if the immigration judge declined to conduct one based on Matter of Yajure Hurtado or Matter of Q. Li, Respondents were ordered to immediately release Petitioner. If Petitioner was granted bond and the Government appealed on the ground that detention was mandatory under § 1225(b)(2), the writ would issue upon notice and Petitioner would be automatically released.

CASES CITED

- Calzado Diaz v. Noem, No. 3:25-cv-458, 2025 WL 3628480 (W.D. Pa. Dec. 15, 2025)
- Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)
- Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025)

OPINION

Bagator

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT .

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HASAN BAGATOR,)

Petitioner, VS. Civil Action No. 3:25-cv-486) Judge Stephanie L. Haines MICHAEL T. ROSE, in
his official capacity) Magistrate Judge Richard A. Lanzillo as Field Office Director of the ICE)
Philadelphia Field Office et al.,) Respondents.

MEMORANDUM ORDER

Presently before the Court is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by Hasan Bagator (“Petitioner”) (ECF No. 1). Petitioner is detained at Moshannon Valley Detention Center and claims that his detention is unconstitutionally prolonged. He seeks immediate release from custody or in the alternative that Respondents hold a bond hearing. This matter was referred to Magistrate Judge Richard A. Lanzillo for proceedings in accordance with the Federal Magistrates Act, 28 U.S. C. § 636, and Local Civil Rule 72.D. On April 1, 2026, Magistrate Judge Lanzillo filed a Report and Recommendation (ECF No. 20) recommending that the Petition (ECF No. 1) be granted in so far as it seeks an individualized bond hearing. The Parties were advised they could file objections to the Report and Recommendation within 14 days of service. See 28 U.S.C. § 636 (b)(1)(B) and (C) and Local Civil Rule 72.D.2. Respondents filed timely Objections (ECF No. 21) on April 14, 2026. Respondents Objections amount to a disagreement with the Court’s firmly held position stated by this Court in Calzado Diaz v. Noem, No. 3:25-cv-458, 2025 WL 3628480 (W.D. Pa. Dec. 15, 2025), vacated as moot, ECF No. 22 (Dec. 17, 2025) (“[T]he Court stresses that the general legal conclusions in the Court’s Opinion at ECF No. 16 regarding the application of §§ 1225 and 1226 remain unchanged by this

Memorandum Order.”). Upon review of the record and the Report and Recommendation (ECF No. 20) pursuant to Local Civil Rule 72.D.2, the Court will accept in whole the findings and recommendations of Magistrate Judge Lanzillo in this matter. Judge Lanzillo correctly found Petitioner to be eligible for a bond hearing under 8 U.S.C. § 1226(a). Accordingly, the following order is entered:

ORDER

AND NOW, this 17th day of April, 2026, IT IS ORDERED that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (ECF No. 1) hereby is GRANTED in so far as it seeks an individualized bond hearing; and, IT IS FURTHER ORDERED that Respondents’ Objections (ECF No. 21) are overruled; and, IT IS FURTHER ORDERED that the Government is directed to provide Petitioner with the statutory process required under 8 U.S.C. § 1226(a), which includes a bond hearing and such hearing shall be conducted by an immigration judge by Monday, April 27, 2026; and, IT IS FURTHER ORDERED that if Petitioner is not provided with a bond hearing by Monday, April 27, 2026, or if the immigration judge declines to conduct a bond hearing based on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), or *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), Respondents shall immediately release Petitioner from custody; and, IT IS FURTHER ORDERED that if Petitioner is granted bond and the Government appeals the Immigration Judge’s decision on the basis that Petitioner’s detention is mandatory under 8 U.S.C. § 1225(b)(2), then, upon notification to this Court, the writ shall issue and Petitioner shall be automatically released from custody; and, IT IS FURTHER ORDERED that the Parties shall provide notice to the Court of the outcome of the individualized bond hearing within seven days of the date of the immigration judge’s decision; and, IT IS FURTHER ORDERED that Petitioner’s Pending Motion for Order to Show Cause (ECF No. 3) is DENIED as MOOT; and, IT IS FURTHER ORDERED that Magistrate Judge Lanzillo’s Report and Recommendation (ECF No. 20) is adopted as the Opinion of the Court; and, IT IS FURTHER ORDERED that the Clerk of Court is directed to mark this matter closed.

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