

**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.

OPINION

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. bs Ce fd YO oie ig fe" ¢
Stephanie L. Haines United States District Judge