

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Aleskerov v. Lowe

Aleskerov · No. 1:26-CV-00420 · Decided March 13, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania grants Zaur Aleskerov’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court holds that mandatory detention under 8 U.S.C. § 1225(b)(2)(A) does not apply because Aleskerov was not actively seeking admission, and orders his immediate release.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Jennifer P. Wilson
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 13, 2026
DOCKET	1:26-CV-00420
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.
STANDARD OF REVIEW	Under 28 U.S.C. § 2241(c)(3), the court may review whether an immigration detainee is in custody in violation of the Constitution or laws of the United States. The court applied the three-factor balancing test from Mathews v. Eldridge to determine the process due before continued detention.
PRECEDENTIAL VALUE	Nonprecedential district-court memorandum; precedential status is identified as unknown in the metadata.
PARTIES	Zaur Aleskerov v. Craig A. Lowe, Todd M. Lyons, Kristi Noem, Pam Bondi

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- statutory interpretation
- procedural due process

PRACTICE AREAS

immigration law

habeas corpus

constitutional law

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2)(A) authorizes mandatory detention of a noncitizen who previously entered the United States without inspection, was released into the country, and is not presently affirmatively seeking admission.
2. Whether continued mandatory detention under § 1225(b)(2)(A), without an opportunity for a bond hearing, violates procedural due process.
3. Whether the district court may grant § 2241 habeas relief to an immigration detainee seeking release from confinement.

HOLDINGS

1. Section 1225(b)(2)(A) applies only to a noncitizen who is presently and affirmatively seeking admission to the United States; it does not apply to Aleskerov, who had entered and resided in the United States for more than two years before his detention.
2. Aleskerov's mandatory detention under § 1225(b)(2)(A), without an opportunity for a bond hearing, violates procedural due process.
3. A claim by an immigration detainee seeking release from confinement falls within the core of habeas corpus and may be brought under § 2241 in the district of confinement.

KEY QUOTATIONS

“Aleskerov’s detention under Section 1225(b)(2)(A) is unlawful because Section 1225(b)(2)(A) “applies only to noncitizens who are actively, i.e., affirmatively, ‘seeking admission’ to the United States.””

“Accordingly, the Mathews factors weigh in favor of Aleskerov and the court finds that his mandatory detention without a bond hearing under Section 1225(b)(2)(A) violates his procedural due process rights.”

FACTUAL BACKGROUND

Zaur Aleskerov, a 44-year-old citizen of Georgia, entered the United States without inspection on or about January 1, 2024, and was later served with a notice to appear for removal proceedings. He was released on his own recognizance, applied for asylum, and remained in the United States for more than two years. ICE arrested him on January 19, 2026, and he was transferred to Pike County Correctional Facility, where he was detained under 8 U.S.C. § 1225(b)(2)(A) without a bond hearing.

PROCEDURAL HISTORY

Aleskerov filed a § 2241 petition on February 19, 2026, seeking immediate release or a bond hearing. Respondents filed a response on March 6, 2026, and Aleskerov filed a traverse on March 11, 2026. The district court granted the petition and ordered Aleskerov's immediate release.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

No remand. The court ordered Aleskerov's immediate release from custody on his own recognizance.

CASES CITED

- *Rumsfeld v. Padilla*, 542 U.S. 426, 443, 447 (2004)
- *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025)
- *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018)
- *United States ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 432 (2023)
- *Bethancourt Soto v. Soto*, No. 25-cv-16200, 2025 WL 2976572, at *5-*8 (D.N.J. Oct. 22, 2025)
- *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)
- *Zadvydas v. Davis*, 533 U.S. 678, 690, 693 (2001)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)
- *Hernandez v. Kunes*, No. 1:25-cv-1847, 2026 WL 411726 (M.D. Pa. Feb. 13, 2026)
- *Santana-Rivas v. Warden of Clinton Cnty. Corr. Facility*, No. 3:25-cv-1896, 2025 WL 3513152 (M.D. Pa. Dec. 8, 2025)
- *Patel v. O'Neil*, No. 3:25-cv-2185, 2025 WL 3516865, at *4 n.7 (M.D. Pa. Dec. 8, 2025)
- *Quispe v. Rose*, No. 3:25-cv-2276, 2025 WL 3537279 (M.D. Pa. Dec. 10, 2025)
- *Patel v. O'Neill*, No. 3:25-cv-2289, 2026 WL 323121 (M.D. Pa. Feb. 6, 2026)
- *Demirel*, 2025 WL 3218243
- *Ayala Amaya v. Bondi*, No. 25-16429, 2025 WL 3033880, at *2 (D.N.J. Oct. 30, 2025)
- *Centeno Ibarra v. Warden of Fed. Det. Ctr. Phila.*, No. 25-cv-6312, 2025 WL 3294726, at *5-*6 (E.D. Pa. Nov. 25, 2025)
- *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026)
- *Benitez*, 2025 WL 2371588, at *7