

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
OKLAHOMA

Segundo Morocho Morocho v. Steve Kelly, et al.

No. CIV-25-1247-R, United States District Court for the Western District of Oklahoma (January 6, 2026)

SUMMARY

The court partially grants Segundo Morocho’s habeas petition, holding that mandatory detention under 8 U.S.C. § 1225(b)(2)(A) does not apply to a noncitizen who has lived in the United States for many years and is not seeking admission. The court concludes that detention is instead governed by 8 U.S.C. § 1226(a) and orders respondents to provide a prompt bond hearing or release the petitioner.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                      |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Western District of Oklahoma                                                                                                                                                                                                    |
| JURISDICTION       | United States District Court for the Western District of Oklahoma                                                                                                                                                                                                    |
| DECIDED            | January 6, 2026                                                                                                                                                                                                                                                      |
| DOCKET             | CIV-25-1247-R                                                                                                                                                                                                                                                        |
| DISPOSITION        | writ_granted                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE | Petitioner sought habeas relief under 28 U.S.C. § 2241 from mandatory immigration detention. After a magistrate judge recommended partially granting the petition and ordering a bond hearing, Respondents objected and the district court conducted de novo review. |
| STANDARD OF REVIEW | De novo review of the portions of the magistrate judge's Report and Recommendation to which a specific objection was made under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3).                                                                  |
| PRECEDENTIAL VALUE | unpublished district court order; persuasive authority only                                                                                                                                                                                                          |
| PARTIES            | Segundo Morocho Morocho v. Steve Kelly, et al.                                                                                                                                                                                                                       |

TOPICS

- immigration detention
- removal proceedings
- cancellation of removal
- statutory interpretation
- civil procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2)(A) authorizes mandatory detention of a noncitizen who entered without inspection, has lived in the United States for many years, and was apprehended while already in the country.
2. Whether Petitioner's application for cancellation of removal made him an alien seeking admission under § 1225(b)(2)(A).
3. Whether Petitioner was entitled to a bond hearing under 8 U.S.C. § 1226(a).

## HOLDINGS

1. Section 1225(b)(2)(A) applies only when an applicant for admission is also actively seeking admission into the United States. It does not authorize mandatory detention of Petitioner, who had lived in the United States for many years and was not seeking admission when apprehended.
2. Petitioner's application for cancellation of removal did not make him a person seeking admission under § 1225(b)(2)(A).
3. Because § 1226(a), rather than § 1225(b)(2)(A), governed Petitioner's detention, Petitioner was entitled to a prompt bond hearing under § 1226(a), or release if Respondents did not provide one.

## KEY QUOTATIONS

*“based on § 1225(b)(2)(A)’s plain language, the Court concludes that the section only applies when a noncitizen ‘applicant for admission’ is actively ‘seeking admission’ into the United States.” (\*6)*

*“Petitioner’s application to cancel removal does not make him a person “seeking admission” within the context of § 1225(b)(2).” (\*6)*

## FACTUAL BACKGROUND

Petitioner, a citizen of Ecuador, entered the United States in 2006 and had lived in the country for many years without lawful admission. He was detained under the mandatory-detention provision of 8 U.S.C. § 1225(b)(2)(A) after being apprehended while already in the United States. He had filed an application for cancellation of removal under the statutory 42B process, but the court found that application did not make him a person actively seeking admission within the meaning of § 1225(b)(2)(A).

## PROCEDURAL HISTORY

Petitioner, a citizen of Ecuador detained under 8 U.S.C. § 1225(b)(2)(A), filed a § 2241 habeas petition arguing that the provision did not apply to a person who had lived in the United States for many years after entering without inspection and that detention without a bond hearing violated due process. The magistrate judge recommended that Respondents provide a bond hearing under § 1226(a) or release Petitioner. Following Respondents' objection and Petitioner's response, the district court adopted the Report and Recommendation after de novo review and granted the petition in part.

## DISPOSITION

writ\_granted

## REMAND INSTRUCTIONS

Respondents must provide Petitioner with a prompt bond hearing under 8 U.S.C. § 1226(a), or otherwise release Petitioner if he has not received a prompt bond hearing.

## CASES CITED

- Castañon-Nava v. U.S. Dep't of Homeland Sec., No. 25-3050, 2025 WL 3552514 (7th Cir. Dec. 11, 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 289 (2018)
- Colin v. Holt, No. CIV-25-1189-D, 2025 WL 3645176 (W.D. Okla. Dec. 16, 2025)
- Medina-Herrera v. Noem, 2025 WL 3460946 (W.D. Okla. Dec. 2, 2025)
- Corona Diaz v. Olson, No. 25 CV 12141, 2025 WL 3022170 (N.D. Ill. Oct. 29, 2025)
- Montoya v. Holt, No. CIV-25-01231-JD, 2025 WL 3733302 (W.D. Okla. Dec. 26, 2025)
- Cruz-Hernandez v. Noem, No. CIV-25-1378-D, 2026 WL 18932 (W.D. Okla. Jan. 2, 2026)
- Garcia v. Holt, No. CIV-25-1225-J, 2025 WL 3516071 (W.D. Okla. Dec. 8, 2025)
- Diaz v. Holt, No. CIV-25-1179-J, 2025 WL 3296310 (W.D. Okla. Nov. 26, 2025)
- Escarcega v. Olson, No. CIV-25-1129-J, 2025 WL 3243438 (W.D. Okla. Nov. 20, 2025)
- Leonardo G.Z. v. Noem, No. 25-CV-0600-SEH-MTS, 2025 WL 3755590 (N.D. Okla. Dec. 29, 2025)
- P.R.S. v. Streeval, Nos. 4:25-cv-330, 4:25-cv-337, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025)

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