

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Isaac Coyote Servin v. Samuel Olson, et al.

Servin · No. 26-3078-JWL · Decided April 10, 2026

SUMMARY

The United States District Court for the District of Kansas partially grants a habeas petition under 28 U.S.C. § 2241 challenging immigration detention without bond consideration. The court holds that the petitioner, who had been present in the United States for years before detention, could not be detained under 8 U.S.C. § 1225(b)(2)(A) and was instead entitled to detention under § 1226(a), including consideration for release on bond. Respondents must release the petitioner or provide a merits-based bond hearing by April 24, 2026.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	April 10, 2026
DOCKET	26-3078-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas corpus relief under 28 U.S.C. § 2241 from immigration detention without a bond hearing.
STANDARD OF REVIEW	To obtain habeas relief under 28 U.S.C. § 2241(c)(3), the petitioner must demonstrate custody in violation of the Constitution, laws, or treaties of the United States.
PRECEDENTIAL VALUE	Unpublished memorandum and order of a federal district court; persuasive but not generally precedential outside the case.
PARTIES	Isaac Coyote Servin v. Samuel Olson, ICE Field Office Director, Markwayne Mullin, DHS Secretary, United States Department of Homeland Security, Pamela Bondi, Attorney General, Executive Office for Immigration Review, Warden, Midwest Regional Reception Center

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QUESTIONS PRESENTED

1. Whether the Government could detain Servin under 8 U.S.C. § 1225(b)(2)(A), which mandates detention of certain arriving aliens, or instead had to proceed under 8 U.S.C. § 1226(a), which permits discretionary release on bond.
2. Whether detention without consideration of release on bond violated the governing detention statutes.
3. Whether a bond hearing or release was the appropriate remedy for the statutory violation.

HOLDINGS

1. Because Servin was not a newly arriving alien and had been present in the United States for years before his detention, the Government could not detain him under 8 U.S.C. § 1225(b)(2)(A); pending a final removal decision, his detention was governed by 8 U.S.C. § 1226(a).
2. The Government violated the detention statutes by refusing to allow consideration of Servin's release on bond under 8 U.S.C. § 1226(a).
3. The appropriate remedy was to require respondents either to release Servin or to ensure that he receives a bond hearing under 8 U.S.C. § 1226(a), at which his suitability for release is considered on the merits, by April 24, 2026.

FACTUAL BACKGROUND

Servin alleged that he entered the United States around 2006 and had lived there for years before immigration officials detained him in March 2026. Removal proceedings were subsequently initiated, and he remained detained in the District of Kansas without consideration of release on bond. The respondents conceded that the material facts were not distinguishable from those in *Galdamez Orellana*.

PROCEDURAL HISTORY

Servin was detained by immigration officials in March 2026 after removal proceedings were initiated. He filed this § 2241 habeas action on April 1, 2026. After an expedited response from the respondents, the district court granted the petition in part and ordered release or a bond hearing under 8 U.S.C. § 1226(a).

DISPOSITION

other

REMAND INSTRUCTIONS

Respondents must either release Servin or ensure that he receives a bond hearing pursuant to 8 U.S.C. § 1226(a), with his suitability for release considered on the merits, on or before April 24, 2026, and must notify the court when the relief has been provided. The petition was granted in part and other relief was denied.

CASES CITED

- Demore v. Kim, 538 U.S. 510, 517–18 (2003)
- Galdamez Orellana v. Welsh, 2026 WL 710121 (D. Kan. Mar. 13, 2026)
- Chen v. Dorneker, 2021 WL 5769354, at *2 (D. Kan. Dec. 6, 2021)
- Yajure Hurtado

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