

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Ricardo De Leon Trejo v. Christopher S. Bullock and Tom Spangler

Case No. 3:26-cv-47 (E.D. Tenn. Feb. 13, 2026) · No. 3:26-cv-47 · Decided February 13, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee holds that Ricardo De Leon Trejo, an unlawfully present noncitizen detained in the interior of the United States, is subject to discretionary detention under 8 U.S.C. § 1226(a), rather than mandatory detention under 8 U.S.C. § 1225(b)(2)(A). The court grants the habeas petition in part and orders the Government to provide Trejo with a bond hearing within ten days. The court declines to order Trejo’s immediate release.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Charles E. Atchley, Jr.
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	February 13, 2026
DOCKET	3:26-cv-47
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking immediate release or, alternatively, a bond hearing.
STANDARD OF REVIEW	The court independently interpreted the applicable immigration detention statutes and considered whether Petitioner was in custody in violation of the Constitution or laws of the United States under 28 U.S.C. § 2241(c)(3).
PRECEDENTIAL VALUE	Unknown; district court memorandum opinion and order

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- statutory interpretation
- violence against women act

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether an individual who entered the United States without inspection, has lived in the interior for several years, and is apprehended away from the border is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) or discretionary detention under 8 U.S.C. § 1226(a).
2. Whether detention under 8 U.S.C. § 1226(a) entitles Petitioner to immediate release or instead to an opportunity to seek bond before an Immigration Judge.
3. Whether habeas relief under 28 U.S.C. § 2241 should require the Government to provide Petitioner with a bond hearing.

HOLDINGS

1. An individual who entered without inspection, has been residing in the United States, and was apprehended in the interior while not arriving or currently seeking admission is appropriately detained under 8 U.S.C. § 1226(a), rather than subject to mandatory detention under § 1225(b)(2)(A).
2. Detention under § 1226(a) gives Petitioner an opportunity to seek bond from an Immigration Judge; it does not require immediate release on bond.
3. The § 2241 petition should be granted in part because Petitioner was detained under the wrong statutory provision without the bond hearing available under § 1226(a).

KEY QUOTATIONS

“Therefore, the Court finds the text and structure of § 1225(b)(2)(A) are inconsistent with the Government’s interpretation, and that § 1226(a) is the appropriate statutory provision for considering Petitioner’s detention.”

“He is entitled to a hearing on his release, but the law does not require her immediate release.”

FACTUAL BACKGROUND

Ricardo De Leon Trejo, a Mexican national who entered the United States without inspection and had lived in the country for several years, was detained by ICE in Knoxville, Tennessee. His partner and three children are United States citizens, and he had a pending application for lawful permanent residence, an approved work permit, and a prima facie determination on a Violence Against Women Act self-petition. ICE charged him as present without admission or valid entry documents and detained him without providing a bond determination under the Government's view that 8 U.S.C. § 1225(b)(2) required mandatory detention.

PROCEDURAL HISTORY

ICE detained Petitioner on January 27, 2026, and served him with a Notice to Appear alleging inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i) and § 1182(a)(7)(A)(9)(I). Petitioner filed a § 2241 petition while detained in Knox County, naming the ICE field-office director and the Knox County Sheriff as respondents. The Government argued that detention was mandatory under 8 U.S.C. § 1225(b)(2), while Petitioner argued that §

1226(a) governed and entitled him to a bond hearing. The court granted the petition in part and ordered a bond hearing, but denied immediate release and other requested relief.

DISPOSITION

other

REMAND INSTRUCTIONS

The Government must provide Petitioner with a bond hearing consistent with 8 U.S.C. § 1226(a) within ten days of entry of the memorandum opinion and order. The court denied immediate release and all other requested relief.

CASES CITED

- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103, 117 (2020)
- Jennings v. Rodriguez, 583 U.S. 281, 288–89 (2018)
- Martinez v. Larose, 968 F.3d 555, 560 (6th Cir. 2020)
- Lopez-Campos v. Raycraft, No. 2:25-cv-12486, 2025 WL 2496379, at *4, *6 (E.D. Mich. Aug. 29, 2025)
- Bautista v. Santacruz, No. 5:25-cv-01873, 2025 WL 3713982 (C.D. Cal. Dec. 18, 2025)
- Matter of Yajure Hurtado, 29 I. & N. Dec. 216, 220 (BIA 2025)
- Singh v. Noem, No. 2:25-cv-00157-SCM, 2026 WL 74558, at *3 (E.D. Ky. Jan. 9, 2026)
- J.G.O. v. Francis, No. 25-cv-7233(AS), 2025 WL 3040142, at *3 (S.D.N.Y. Oct. 28, 2025)
- Barco Mercado v. Francis, No. 25-CV-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 2025)
- Leng May Ma v. Barber, 357 U.S. 185, 187 (1958)
- Shaughnessy v. United States ex rel. Mezei, 345 U.S. 206 (1953)
- Martinez v. Hyde, No. 25-11613-BEM, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025)
- Kentucky v. Biden, 23 F.4th 585, 603 (6th Cir. 2022)
- Almendarez-Torres v. United States, 523 U.S. 224, 234 (1998)
- TRW Inc. v. Andrews, 534 U.S. 19, 31 (2001)
- Gomes v. Hyde, No. 25-cv-11571, 2025 WL 1869299, at *7 (D. Mass. July 7, 2025)
- Buenrostro-Mendez v. Bondi, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026)
- Patino v. Ladwig, No. 3:25-cv-00569-KAC, DCP, 2025 WL 3628450, at *3 (E.D. Tenn. Dec. 15, 2025)

OPINION

Ladwig

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RICARDO DE LEON TREJO,)

) Petitioner,) Case No. 3:26-cv-47) v.) Judge Atchley) CHRISTOPHER S. BULLOCK¹ and
TOM) Magistrate Judge Poplin

SPANGLER,)

)) Respondents.)

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Ricardo De Leon Trejo's "Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241[.]" [Doc. 1] in which he asks the Court to order his immediate release or, alternatively, order that he receive a bond hearing. For the reasons set forth below, Petitioner is entitled to a bond hearing, and therefore, the Court grants the petition in part.

I. BACKGROUND

Petitioner Ricardo De Leon Trejo, a Mexican national, unlawfully entered the Country at an unknown place and time. [Doc. 1 at ¶ 13; Doc. 25 at 2]. He has resided in the United States "for several years[.]" and his partner and three children are United States citizens. [Doc. 1 at ¶ 13]. Petitioner "has a pending application [f]or lawful permanent residence and an approved work permit" [Id.]. In fact, on November 18, 2025, the United States Citizenship and Immigration Services ("USCIS") issued a Notice of Prima Facie Case Determination regarding Petitioner's I-360 Violence Against Women Act self-petition. [Doc. 28-1]. ¹ Because Christopher S. Bullock was recently named as Field Office Director of the New Orleans Field Office for United States Immigration and Customs Enforcement, he is automatically substituted for named Respondent Scott Ladwig. See FED. R. CIV. P. 25(d). On January 27, 2026, Immigration and Customs Enforcement ("ICE") took Petitioner into custody in Knoxville, Tennessee, as he was leaving a Home Depot. [Doc. 1 at ¶¶ 6, 13]. He was initially detained in the Knox County Detention Facility on an immigration detainer [See Doc. 16- 1]. Petitioner was served with a Notice to Appear, which was issued on the basis that he was present in the United States without having been deemed admitted or paroled, in violation of 8 U.S.C. § 1182(a)(6)(A)(i), and that he was present without being in possession of valid entry or travel documents in violation of 8 U.S.C. § 1182(a)(7)(A)(9)(I). [Doc. 25-1]. Petitioner was scheduled for a hearing before an immigration judge in the Lasalle Detention Facility in Jena, Louisiana. [Id. at 1]. On February 2, 2026, while Petitioner was still detained in Knox County, he filed the instant petition [Doc. 1], naming Scott Ladwig, then Acting Director of ICE's New Orleans Field Office, and Knox County Sheriff Tom Spangler as Respondents and maintaining that he is being unlawfully held without a bond determination as a person "seeking admission" to the border under the mandatory detention provisions of the Immigration and Nationality Act ("INA") § 235(b), codified at 8 U.S.C. § 1225(b). [Doc. 1 at ¶ 13].² In support of his petition, Petitioner argues that his classification as an individual subject to mandatory detention is incorrect as a matter of law; that he is a member of the bond-eligible class certified by the Central District of California in *Bautista v. Santacruz*, No. 5:25-cv-01873, 2025 WL 3713982 (C.D. Cal. Dec. 18, 2025); and that his continued mandatory detention violates due

process and the Administrative Procedures Act (“APA”). [Id. ¶ 13]. 2 Petitioner also filed an emergency motion for a Temporary Restraining Order (“TRO”) and preliminary injunction requesting the relief sought in his habeas petition. [Doc. 2]. The Court’s Order partially granting the TRO [Doc. 4] spawned multiple motions [Docs. 7, 18, 26], responses [Docs. 9, 19, 20, 28], notices [Docs. 5, 15, 17, 22–24, 27], Orders [Docs. 12, 21, 29], and an objection [Doc. 14], the history and substance of which the Court declines to restate here. On February 6, 2026, Respondent Spangler responded to the petition, asserting that Petitioner had been returned to ICE’s custody on February 4, 2026; that he “takes no position on whether the petition” should be granted; and that because Petitioner is no longer in his custody, he cannot provide Petitioner with the sought relief. [See generally Doc. 16]. The Government responded to the petition on February 9, 2026, arguing that Petitioner is lawfully detained under 8 U.S.C. § 1225(b)(2); the Bautista judgment is not binding in this Court and conflicts with the INA; Petitioner has been provided with all process due; any APA claim is “unavailing”; and this Court cannot release Petitioner, even under the detention statute he claims is applicable, i.e., 8 U.S.C. § 1226(a). [See generally Doc. 25]. Petitioner replied to these arguments, incorporating into his reply a response to a prior motion and a “Renewed Emergency Motion for Contempt and Immediate Release.” [Doc. 28]. The Court, having reviewed the Parties’ filings and the applicable law, finds that the issues have been adequately briefed and that a hearing is unnecessary. For the reasons articulated below, the Court grants the petition in part and orders the Government to provide Petitioner with a bond hearing.

II. ANALYSIS

A court may grant a writ of habeas corpus only if the petitioner shows he is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). Section 2241 confers jurisdiction on district courts to hear habeas corpus challenges to the lawfulness of noncitizen’s detention. See *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 117 (2020) (providing that habeas corpus is the appropriate remedy to determine the legality of a person’s custody). The interplay of two detention provisions of the INA, 8 U.S.C. §§ 1225(b)(2) (“Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing”) and 1226(a) (“Apprehension and detention of aliens³”), are central to Petitioner’s claims. These provisions were enacted as part of the Illegal Immigration Reform and Immigration Responsibility Act (“IIRIRA”) of 1996, and both provide for the detention of noncitizens pending resolution of removal proceedings. Section 1225 provides for the mandatory detention of “applicants for admission” who are apprehended upon arrival lacking any valid entry document, or who are apprehended at any location and unable to show that they have been physically present in the United States for more than two years. 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii). An “applicant for admission” is defined as “[a]n alien present in the United States who has not been admitted.” 8 U.S.C. § 1225(a)(1). “The terms ‘admission’ and ‘admitted’ mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.” 8 U.S.C. § 1101(13)(A). By contrast, individuals in detention under §

1226(a)—standard removal proceedings— are generally entitled to a bond hearing at the outset of their detention. 8 U.S.C. § 1226(a)(2). An exception to this discretionary detention exists for those arrested, charged with, or convicted of certain crimes, in which case detention is mandatory. 8 U.S.C. § 1226(c). For years, the IIRIRA was interpreted with § 1225(b) providing rules for noncitizens attempting to enter the United States, while § 1226(a) provided the “default rule” for the detention of immigrants “already in the country[.]” *Jennings v. Rodriguez*, 583 U.S. 281, 288–89 (2018); see also *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct* 3 An “alien” is any person who is “not a citizen or national of the United States.” 8 U.S.C. § 1101(a)(3). and *Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). And because noncitizens already living in the country upon apprehension were considered subject to § 1226(a), they were entitled to a bond hearing before an Immigration Judge. See § 1226(a)(2); *Martinez v. Larose*, 968 F.3d 555, 560 (6th Cir. 2020) (“An alien detained pursuant to § 1226(a) is entitled to an individualized hearing before an IJ to determine whether detention is necessary during the course of his immigration proceedings.” (citing 8 C.F.R. § 236.1(d)(1))); see also *Lopez- Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379, at *4 (E.D. Mich. Aug. 29, 2025) (“[N]oncitizens arrested and detained under Section 1226 have a right to request a custody redetermination (i.e. a bond hearing) before an Immigration Judge.”). But in July 2025, the Department of Homeland Security (“DHS”), in coordination with the Department of Justice (“DOJ”), issued a new interpretation of this statutory framework that reclassified all persons detained in the United States without inspection (i.e. “inadmissible” noncitizens), even those who have lived in the United States for years, as “applicants for admission” under § 1225(a)(1), and thus, subject to the mandatory detention provision under § 1225(b)(2)(A). See AILA, *Ice Memo: Interim Guidance Regarding Detention Authority for Applications for Admission*, available at [https:// www.aila.org/library/ice-memo-interim- guidance-regarding-detention-authority-for-applications-for-admission](https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission) (last visited Feb. 11, 2026). The Board of Immigration Appeals (“BIA”) subsequently agreed with this interpretation in a published decision, holding that § 1225(b)(2)(A) requires the detention of noncitizens without admission during their removal proceedings. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 220 (BIA 2025). The Government urges the Court to adopt this recent, less lenient interpretation of the INA, arguing that it is consistent with the statutory text and the goal of the IIRIRA. [See, e.g., Doc. 25 at 4–5]. The Government notes that the BIA has explained that “an ‘applicant for admission’ under 8 U.S.C. § 1225(a)(1), by virtue of his entry without inspection, must necessarily be ‘seeking admission,’ as the term is used in § 1225(b)(2)(A).” [Id. at 6 (citing *Hurtado*, 29 I. & N. Dec. at 220)]. The Government argues that Petitioner is “an applicant for admission” subject to § 1225(b)(2)(A) because he is both “literally applying for admission” and “is present in the United States without having received permission to be here.” [Doc. 25 at 7 (citing *Singh v. Noem*, No. 2:25-cv-00157-SCM, 2026 WL 74558, at *3 (E.D. Ky. Jan. 9, 2026))]. Petitioner, however, notes that “‘seeking admission’ is an affirmative, present-tense action,” while “applicant for admission” is a statutory

status “defined by physical presence.” [Doc. 28 at 6, 8]. Thus, Petitioner argues, “[a]n interior resident who was apprehended miles from the border and years after entry is an ‘applicant for admission’ by status” but is “not currently ‘seeking it.’” [Id. at 8]. And because “you can’t go into a place where you already are⁴[,]” Petitioner maintains that he is not “seeking” admission, and his detention is governed by § 1226(a). [Doc. 28 at 6]. The Government recognizes that this debate—whether a noncitizen without lawful admission who has resided in the United States for an appreciable period is subject to mandatory detention under § 1225(b)(2)(A) or discretionary detention under § 1226(a)—has led to a divergence of opinion among the courts. [See generally Doc. 25]. It also acknowledges that this Court has previously interpreted §§ 1225 and 1226 in the manner Petitioner proposes, see *Patino v. Ladwig*, No. 3:25-cv-00569, 2025 WL 3628450 (E.D. Tenn. Dec. 15, 2025), and that that this question of statutory interpretation is not resolved in this Circuit, as it is currently on appeal, see *Reyes v. Raycraft*, No. 25-1982 (6th Cir.). [Doc. 25 at 6, 8]. But the Government maintains that 4 *J.G.O. v. Francis*, No. 25-cv-7233(AS), 2025 WL 3040142, at *3 (S.D.N.Y. Oct. 28, 2025). even though most courts have agreed with the position held by Petitioner, “the few” holding to the contrary “have it right.” [Id. at 8 (quoting *Singh*, 2026 WL 74558, at *1)]. Petitioner, meanwhile, points the Court to the decision of another district court that recently noted: By a recent count, the central issue in this case – the administration’s new position that all noncitizens who came into the United States illegally, but since have been living in the United States, must be detained until their removal proceedings are completed – has been challenged in at least 362 cases in federal district courts. The challengers have prevailed, either on a preliminary or final basis, in 350 of those cases decided by over 160 different judges sitting in about fifty different courts spread across the United States. Thus, the overwhelming, lopsided majority have held that the law still means what it always has meant. *Barco Mercado v. Francis*, No. 25-CV-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 2025) (footnotes omitted) (collecting cases). Given the absence of a decision by the Sixth Circuit on this issue, the Court must make its own assessment of which statutory interpretation is best.⁵ And the Court begins by noting that “our immigration laws have long made a distinction between those aliens who have come to our shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality. In the latter instance the Court has recognized additional rights and privileges not extended to those in the former category who are merely ‘on the threshold of initial entry.’” *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958) (quoting *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953)); see also *Martinez v. Hyde*, No. 25-11613-BEM, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025) (holding that it is “particularly doubtful that Congress intended section 1225(b)(2)(A) to apply to non-citizens, like Petitioner, detained while present in the United States” 5 The Government notes that the Fifth Circuit recently held that § 1225(b)(2)(A) applies to the detention of noncitizens who entered the country unlawfully and were arrested while living in the United States [Doc. 25 at 6 (citing *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026))]. because the “idea that a different detention

scheme would apply to non-citizens ‘already in the country,’” as compared to noncitizens “‘seeking admission into the country,’” is “consonant with the core logic of our immigration system.” (quoting *Jennings*, 583 U.S. at 289)). In considering the statutory text, “the Court must assign each word of the statute its ordinary, contemporary, common meaning . . . , while keeping in mind that statutory language has meaning only in context.” *Kentucky v. Biden*, 23 F.4th 585, 603 (6th Cir. 2022) (citation, quotation marks, and alterations omitted). The title of § 1225 is “Inspection by Immigration Officers; Expedited Removal of Inadmissible Arriving Aliens; Referral for Hearing.” 8 U.S.C. § 1225. This title refers to “arriving” noncitizens, which is the people to whom § 1225(a)(1)’s definition of “applicant for admission” and § 1225(b)(2)(A)’s mandatory detention provisions apply. The Supreme Court has held that “the title of a statute in the heading of a section are tools available for the resolution of a doubt” of the statute’s meaning. *Almendarez-Torres v. United States*, 523 U.S. 224, 234 (1998) (internal quotation marks and citation omitted). And here, Petitioner was not “arriving” or “seeking admission” when he was detained. See *Lopez-Campos*, 2025 WL 2496379, at *6 (finding “seeking admission” means “action—something that is currently occurring, and in this instance, would most logically occur at the border upon inspection”). Further, “[i]t is a cardinal principal of statutory construction that a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant.” *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001) (citation and internal quotation marks omitted). And in January 2025, Congress amended § 1226 via the Laken Riley Act (“LRA”), Pub. L. No. 119-1, 139 Stat. 3 (2025). The LRA added § 1226(c)(1)(E), which requires mandatory detention for noncitizens who are inadmissible under § 1182(a)(6)(A) (noncitizens present in the United States without being admitted or paroled), § 1182(a)(6)(C) (misrepresentation), or § 1182(a)(7) (noncitizens lacking valid documentation) and have been arrested for, charged with, or convicted of certain crimes. 8 U.S.C. § 1226(c)(1)(E)(i)–(ii) (emphasis added). But if the Government’s interpretation was correct, § 1225(b)(2)(A) would govern all cases where someone was alleged to have entered without inspection, rendering the addition of the LRA’s subsections immaterial. That is, the LRA’s “recently created statutory exception” to § 1226 mandating detention for noncitizens present in the United States without being admitted and who have been arrested for, charge with, or convicted of certain crimes “would be largely redundant if § 1225(b)(2) authorized his detention as well.” *Morales-Martinez v. Raycraft*, No. 25-cv-13303, 2025 WL 3124695, at *5 (E.D. Mich. Nov. 7, 2025) (citing *Gomes v. Hyde*, No. 25-cv-11571, 2025 WL 1869299, at *7 (D. Mass. July 7, 2025)). Therefore, the Court finds the text and structure of § 1225(b)(2)(A) are inconsistent with the Government’s interpretation, and that § 1226(a) is the appropriate statutory provision for considering Petitioner’s detention. However, the Court agrees with the Government that § 1226 does not provide Petitioner with a right to release on bond; it permits Petitioner an opportunity to seek bond from the Immigration Court. See *Patino v. Ladwig*, No. 3:25-cv-00569-KAC, DCP, 2025 WL 3628450, at *3 (E.D. Tenn. Dec. 15, 2025) (“Under Section 1226(a) and the relevant regulations, Petitioner

may be detained pending a hearing on her release. See 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1, 1236.1, 1003.19(a). She is entitled to a hearing on her release, but the law does not require her immediate release. See *id.*”). Accordingly, the Court will order the Government to provide Petitioner with a bond hearing but declines to order his release.

III. CONCLUSION

For the reasons discussed above, the Court GRANTS Petitioner’s federal habeas petition in part and ORDERS the Government to provide Petitioner with a bond hearing consistent with § 1226(a) within ten (10) days of entry of this Memorandum Opinion and Order. All other relief requested in the petition is DENIED, as is all other relief sought in Petitioner’s reply. An appropriate judgment order will enter. SO ORDERED. /s/ Charles E. Atchley, Jr. CHARLES E. ATCHLEY, JR.

UNITED STATES DISTRICT JUDGE