

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, NORTHERN DIVISION AT COVINGTON

Alassane Ba v. ICE/DHS

No. 26-198-DLB; 2:26-cv-00198, United States District Court for the Eastern District of Kentucky, Northern
Division at Covington (June 3, 2026)

SUMMARY

The United States District Court for the Eastern District of Kentucky grants Alassane Ba’s petition for a writ of habeas corpus challenging his immigration detention. Applying the Sixth Circuit’s decision in Lopez-Campos v. Raycraft, the Court concludes that Ba is detained under 8 U.S.C. § 1226(a) and is entitled to a constitutionally adequate bond hearing at which the government bears the burden of proof by clear and convincing evidence. The Court orders Ba’s immediate release or such a hearing within fourteen days and denies his miscellaneous motion.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Northern Division at Covington
WRITING FOR THE COURT	David L. Bunning
JURISDICTION	United States District Court for the Eastern District of Kentucky, Northern Division at Covington
DECIDED	June 3, 2026
DOCKET	26-198-DLB; 2:26-cv-00198
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus challenging immigration detention and seeking a custody redetermination bond hearing.
STANDARD OF REVIEW	The Court considered whether the habeas claim remained live and whether continued detention without a constitutionally adequate bond hearing violated due process.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Alassane Ba v. ICE/DHS

TOPICS

- immigration detention
- due process
- procedural due process
- removal proceedings
- remedies

PRACTICE AREAS

immigration

constitutional law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether Ba's habeas petition became moot after the government conceded that he was entitled to seek a custody redetermination hearing.
2. Whether Ba was entitled to a constitutionally adequate bond hearing under 8 U.S.C. § 1226(a) and the Due Process Clause.
3. Whether the government must bear the burden of proving dangerousness or flight risk by clear and convincing evidence at the bond hearing.

HOLDINGS

1. The petition was not moot because Ba had not yet received the bond hearing he sought and to which he was constitutionally entitled.
2. Ba was entitled to a bond hearing because 8 U.S.C. § 1226(a), rather than the mandatory-detention provisions of § 1225, governed his detention.
3. Withholding Ba's access to a bond hearing violated his due process rights, and the hearing must require the government to justify continued detention by clear and convincing evidence.

KEY QUOTATIONS

“Until Petitioner receives his bond hearing, this case is not moot.” (Analysis)

“Respondents are ORDERED to immediately release Petitioner, or in the alternative, provide him with a constitutionally adequate bond hearing where the government bears the burden of proof by clear and convincing evidence under 8 U.S.C. § 1226(a) within fourteen (14) days of the date of this Order”

(Conclusion, paragraph (3))

FACTUAL BACKGROUND

Alassane Ba was detained at the Kenton County Detention Center in Covington, Kentucky, after being detained in Chicago on March 24, 2026. His immigration case had an individual hearing scheduled for August 28, 2026. Ba alleged that his detention was improper and sought a custody redetermination hearing.

PROCEDURAL HISTORY

Ba filed a pro se habeas petition after being detained by immigration authorities and requested a bond hearing. The Court ordered Respondents to respond, later issued a show cause order when no timely response was filed, and received Respondents' response conceding that Sixth Circuit precedent controlled but arguing that the petition was moot. The Court rejected the mootness argument, granted the petition, denied Ba's miscellaneous motion, and ordered immediate release or a constitutionally adequate bond hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must immediately release Ba or, alternatively, provide him within fourteen days of the order with a constitutionally adequate bond hearing under 8 U.S.C. § 1226(a), at which the government bears the burden of proof by clear and convincing evidence. Respondents must file a status report seven days after the hearing deadline certifying when the hearing occurred, whether bond was granted or denied, and, if denied, the reasons for denial.

CASES CITED

- Lopez-Campos et al. v. Raycraft et al., -- F.4th --, 2026 WL 1283891 (6th Cir. May 11, 2026)
- Cruz v. Raycraft, No. 26-11424, 2026 WL 1432396 (E.D. Mich. May 21, 2026)
- Chafin v. Chafin, 568 U.S. 165 (2013)
- Guterrez-Lopez v. Raycraft, No. 26-11143, 2026 WL 1412995 (E.D. Mich. May 20, 2026)
- Dragoni v. United States Immigration and Customs Enforcement, No. 26-204-DLB, 2026 WL 1419046 (E.D. Ky. May 20, 2026)
- Torres Siles v. Warden, Butler Cnty. Det. Fac., No. 1:26-cv-434, 2026 WL 1345581 (S.D. Ohio May 14, 2026)
- Hernandez-Lara v. Lyons, 10 F.4th 19, 39 (1st Cir. 2021)
- Velasco Lopez v. Decker, 978 F.3d 842, 846 (2d Cir. 2020)
- Azalyar v. Raycraft, No. 1:25-cv-916, 2026 WL 30741 (S.D. Ohio Jan. 2, 2026)
- Rajesh v. Barr, 420 F. Supp. 3d 78, 87-88 (W.D.N.Y. Oct. 29, 2019)
- Addington v. Texas, 441 U.S. 418, 427 (1979)

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