

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
OKLAHOMA

Javier Diaz Colin v. Russell Holt, et al.

Colin v. Holt · No. CIV-25-1189-D · Decided December 16, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma reviewed objections to a magistrate judge’s report and recommendation in Javier Diaz Colin’s 28 U.S.C. § 2241 habeas petition challenging his immigration detention. The court held that 8 U.S.C. § 1252(g) did not bar jurisdiction and that 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governed the petitioner’s detention. The court adopted the report and recommendation and ordered respondents to provide a prompt bond hearing or release the petitioner, while declining to reach the due process claim.

CASE DETAILS

|                       |                                                                                                                                                                                               |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Oklahoma                                                                                                                             |
| WRITING FOR THE COURT | Timothy D. DeGiusti                                                                                                                                                                           |
| JURISDICTION          | United States District Court for the Western District of Oklahoma                                                                                                                             |
| DECIDED               | December 16, 2025                                                                                                                                                                             |
| DOCKET                | CIV-25-1189-D                                                                                                                                                                                 |
| DISPOSITION           | other                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without a bond hearing; respondents objected to a magistrate judge's report and recommendation. |
| STANDARD OF REVIEW    | De novo review of the objected-to portions of the magistrate judge's report and recommendation under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3).                      |
| PRECEDENTIAL VALUE    | unpublished district court order; precedential status unknown                                                                                                                                 |

TOPICS

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

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1252(g) barred the district court from considering Colin's challenge to his immigration detention and entitlement to a bond hearing.
2. Whether 8 U.S.C. § 1225(b)(2)(A), which provides for mandatory detention of certain applicants for admission, governed the detention of a noncitizen who had lived in the United States for decades and was not apprehended at a port of entry or border.
3. Whether Colin was entitled to a bond hearing under 8 U.S.C. § 1226(a).

## HOLDINGS

1. Section 1252(g) does not bar the district court from considering a habeas petition challenging the statutory basis for immigration detention and the denial of a bond hearing when the petitioner is not challenging the commencement or adjudication of removal proceedings or the execution of a removal order.
2. Section 1225(b)(2)(A) did not govern Colin's detention because, although he could be deemed an applicant for admission under § 1225(a)(1), he was not seeking admission within the meaning of § 1225(b)(2)(A).
3. Section 1226(a) governed Colin's detention, and he was entitled to a prompt individualized bond hearing or release.

## KEY QUOTATIONS

*“Section 1225(b)(2)(A) applies only to those noncitizens who are actively “seeking admission” to the United States.”*

*“Accordingly, this Court agrees with the R and R, and the numerous courts that have addressed the issue, and finds that Petitioner is not “seeking admission” under § 1225(b)(2), as he has resided in the country for over three decades and was not apprehended at a port of entry or border.”*

## FACTUAL BACKGROUND

Colin, a citizen of Mexico, had lived in the United States since approximately 1994 and had no criminal convictions. ICE detained him in Oklahoma in September 2025 and initiated removal proceedings. He remained detained without a bond hearing, and filed a § 2241 petition asserting violations of the INA and the Fifth Amendment.

## PROCEDURAL HISTORY

Javier Diaz Colin filed a § 2241 petition while detained by Immigration and Customs Enforcement. The matter was referred to Magistrate Judge Amanda L. Maxfield, who recommended granting the petition in part after concluding that the court had jurisdiction and that 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governed

Colin's detention. Respondents objected, but the district court conducted de novo review, overruled the objection, adopted the report and recommendation, and ordered a prompt bond hearing or release.

## DISPOSITION

other

## REMAND INSTRUCTIONS

Respondents must provide Colin with a prompt bond hearing under 8 U.S.C. § 1226(a) or release him.

## CASES CITED

- *Jennings v. Rodriguez*, 583 U.S. 281, 289, 294, 306 (2018)
- *Gutierrez v. Baltazar*, No. 25-CV-2720-RMR, 2025 WL 2962908, at \*3 (D. Colo. Oct. 17, 2025)
- *Diaz v. Holt*, No. CIV-25-1179-J, 2025 WL 3296310, at \*1 (W.D. Okla. Nov. 26, 2025)
- *Cortes v. Noem*, 1:25-cv-2677-CNS, 2025 WL 2652880, at \*2 (D. Colo. Sept. 16, 2025)
- *Hernandez v. Baltazar*, No. 25-cv-3094-CNS, 2025 WL 2996643, at \*3, \*8 (D. Colo. Oct. 24, 2025)
- *Salazar v. Dedos*, No. 25-cv-835-DHU-JMR, 2025 WL 2676729, at \*3 (D.N.M. Sept. 17, 2025)
- *Andres v. Noem*, No. CV H-25-5128, 2025 WL 3458893, at \*2 (S.D. Tex. Dec. 2, 2025)
- *Aranda v. Olson*, 4:25-cv-156-GNS, 2025 WL 3499061, at \*4 (W.D. Ky. Dec. 5, 2025)
- *Guerrero v. Noem*, No. 25-CV-5881 (EK), 2025 WL 3214787, at \*3 (E.D.N.Y. Nov. 18, 2025)
- *Aguilar v. Bondi*, --- F. Supp. 3d ---, 2025 WL 3471417, at \*5 (W.D. Tex. Nov. 26, 2025)
- *Belsai D.S. v. Bondi*, No. 25-cv-3682 (KMM/EMB), 2025 WL 2802947, at \*5 (D. Minn. Oct. 1, 2025)
- *Castañon-Nava v. U.S. Department of Homeland Security*, No. 25-3050, 2025 WL 3552514, at \*9 (7th Cir. Dec. 11, 2025)
- *Mercado v. Francis*, --- F. Supp. 3d ---, 2025 WL 3295903, at \*4 (S.D.N.Y. Nov. 26, 2025)
- *Potts v. Center for Excellence in Higher Education, Inc.*, 908 F.3d 610, 613 (10th Cir. 2018)
- *Loa Caballero v. Baltazar*, No. 25-cv-3120-NYW, 2025 WL 2977650, at \*5–6, \*8 (D. Colo. Oct. 22, 2025)
- *Fuller v. Norton*, 86 F.3d 1016, 1024 (10th Cir. 1996)
- *Rojano Gonzalez v. Sterling*, 1:25-CV-6080-MHC, 2025 WL 3145764, at \*5–6 (N.D. Ga. Nov. 3, 2025)
- *Martinez v. Hyde*, No. 25-11613-BEM, 2025 WL 2084238, at \*6 (D. Mass. July 24, 2025)
- *Lepe v. Andrews*, No. 1:25-CV-01163-KES-SKO (HC), 2025 WL 2716910, at \*5 (E.D. Cal. Sept. 23, 2025)
- *Hing Sum v. Holder*, 602 F.3d 1092, 1100–01 (9th Cir. 2010)
- *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 489 (S.D.N.Y. 2025)
- *Sacvin v. Anda-Ybarra*, No. 2:25-CV-01031-KG-JFR, 2025 WL 3187432, at \*3 (D.N.M. Nov. 14, 2025)
- *Martinez v. Noem*, SA-25-CV-1373-JKP, 2025 WL 3471575, at \*6 (W.D. Tex. Nov. 26, 2025)
- *Curillo v. Noem*, No. 1:25-CV-1340, 2025 WL 3235737, at \*5 (W.D. Mich. Nov. 20, 2025)
- *Miguel v. Noem*, No. 25 C 11137, 2025 WL 2976480, at \*5 (N.D. Ill. Oct. 21, 2025)
- *Bethancourt Soto v. Soto*, No. 25-CV-16200, 2025 WL 2976572, at \*6 (D.N.J. Oct. 22, 2025)

- *Yupangui v. Hale*, No. 2:25-CV-884, 2025 WL 3207070, at \*4 n.6 (D. Vt. Nov. 17, 2025)
- *Maldonado Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082, at \*13 (D. Nev. Sept. 17, 2025)

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