

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

Erick Adony Perez-Valderamos v. Todd Lyons, et al.

Civil Action No. 26-182-DLB (E.D. Ky. June 5, 2026) · No. Civil Action No. 26-182-DLB · Decided June 5, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky granted Erick Adony Perez-Valderamos’s petition for a writ of habeas corpus challenging his immigration detention. Relying on Sixth Circuit precedent, the court held that 8 U.S.C. § 1226(a), rather than § 1225, governed his detention and that his prior bond hearing was constitutionally inadequate. The court ordered his immediate release or, alternatively, a constitutionally adequate bond hearing at which the government must establish dangerousness or flight risk by clear and convincing evidence.

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 5, 2026
DOCKET	Civil Action No. 26-182-DLB
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus challenging immigration detention under the Immigration and Nationality Act and the Fifth Amendment Due Process Clause.
STANDARD OF REVIEW	The court reviewed the legality and constitutional adequacy of the procedures underlying petitioner's detention and bond hearing. It did not review the immigration judge's discretionary custody determination under 8 U.S.C. § 1226(e).
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order
PARTIES	Erick Adony Perez-Valderamos v. Todd Lyons, et al.

TOPICS

immigration detention

procedural due process

due process

statutory interpretation

remedies

PRACTICE AREAS

immigration

constitutional law

habeas corpus

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225, governed the detention of a noncitizen who had entered the United States years earlier and was not seeking admission.
2. Whether the petitioner's detention violated the Fifth Amendment Due Process Clause because he had not received an individualized detention hearing under the proper statutory framework.
3. Whether the proper remedy was immediate release or a constitutionally adequate bond hearing at which the government bears the burden of proof by clear and convincing evidence.

HOLDINGS

1. Section 1226(a) governs the detention of a noncitizen who entered the United States years earlier, was released into the country, and is not seeking admission, rather than the mandatory-detention provisions of § 1225.
2. Detaining petitioner without an individualized detention hearing under the applicable § 1226(a) framework violated the Fifth Amendment Due Process Clause.
3. A bond hearing conducted under § 1225 did not satisfy due process when § 1226(a) governed petitioner's detention, and the court could review the adequacy of the hearing procedures even though § 1226(e) barred review of discretionary custody decisions.
4. The proper remedy was immediate release or, alternatively, a constitutionally adequate bond hearing under § 1226(a) at which the government must prove by clear and convincing evidence that continued detention is justified.

KEY QUOTATIONS

“To hold otherwise would subject long-term law-abiding residents in the United States. . . to the hardship of mandatory detention without due process.” (III.A)

“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause.” (III.B)

“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 seven (7) days of the date of this Order” (IV)

FACTUAL BACKGROUND

Perez-Valderamos, a Honduran citizen, entered the United States in approximately April 2015, presented himself to immigration authorities, and was released without inspection. He lived continuously in the United States,

established residency in New Hampshire, had two young children, and had no criminal history. ICE detained him on January 20, 2026, and an immigration judge denied bond at a March 30, 2026 hearing under the view that detention was governed by 8 U.S.C. § 1225. The petitioner remained detained at the Boone County Jail and had not received an individualized merits-based detention hearing under § 1226(a).

PROCEDURAL HISTORY

Perez-Valderamos filed a pro se habeas petition after an immigration judge denied bond on the ground that the judge lacked authority to redetermine custody under 8 U.S.C. § 1225. The federal respondents filed a response, and the petitioner did not timely reply. The district court granted the petition and ordered immediate release or, alternatively, a constitutionally adequate bond hearing under 8 U.S.C. § 1226(a).

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents were ordered to immediately release petitioner or, alternatively, provide within seven days a constitutionally adequate bond hearing under 8 U.S.C. § 1226(a), with the government bearing the burden of proof by clear and convincing evidence. Respondents were also ordered to file a status report by June 19, 2026 certifying compliance and reporting the hearing's outcome and reasons for any denial of bond.

CASES CITED

- Lopez-Campos v. Raycraft, 2026 WL 1283891 (6th Cir. May 11, 2026)
- A.A.R.P. v. Trump, 605 U.S. 91, 94 (2025)
- Trump v. J.G.G., 604 U.S. 670, 673 (2025)
- Mathews v. Eldridge, 424 U.S. 319, 321 (1976)
- Hamdi v. Rumsfeld, 542 U.S. 507, 531 (2004)
- Foucha v. Louisiana, 504 U.S. 71, 80 (1992)
- Zadvydas v. Davis, 533 U.S. 678, 690 (2001)
- Yamataya v. Fisher, 189 U.S. 86, 101 (1903)
- Goldberg v. Kelly, 397 U.S. 254, 268 (1970)
- Edahi v. Lewis, No. 4:25-cv-129-RGJ, 2025 WL 3466682, at *14 (W.D. Ky. Nov. 27, 2025)
- Yao v. Almodovar, No. 25 Civ. 9983 (PAE), 2025 WL 3653433, at *11 (S.D.N.Y. Dec. 17, 2025)
- Barrera v. Tindall, No. 3:25-cv-541-RGJ, 2025 WL 2690565, at *7 (W.D. Ky. Sept. 19, 2025)
- Günaydin v. Trump, No. 25-cv-01151, 2025 WL 1459154, at *10 (D. Minn. May 21, 2025)
- 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, at *5 (S.D. Ohio Jan. 2, 2026)
- Rajesh v. Barr, 420 F. Supp. 3d 78, 87-88 (W.D.N.Y. 2019)

- Addington v. Texas, 441 U.S. 418, 427 (1979)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-ken/2026/erick-adony-perez-valderamos-v-todd-lyons-et-al-9gs4j21w>