

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

Manolo Bernave Lopez Ramos v. Samuel Olson, et al.

Manolo Bernave Lopez Ramos v. Samuel Olson, Civil Action No. 26-8-DLB (E.D. Ky. Feb. 10, 2026) · No.
Civil Action No. 26-8-DLB · Decided February 10, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky grants Manolo Bernave Lopez Ramos’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court holds that 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in § 1225(b)(2)(A), governs the detention of a noncitizen who entered the United States and has resided there for years. The court concludes that Lopez Ramos is entitled to the protections of § 1226(a), including the opportunity to request a bond hearing before an immigration judge.

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	February 10, 2026
DOCKET	Civil Action No. 26-8-DLB
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without a bond hearing.
STANDARD OF REVIEW	De novo review of the statutory interpretation question; due process claim analyzed under the three-factor balancing test from Mathews v. Eldridge.
PRECEDENTIAL VALUE	unpublished
PARTIES	Manolo Bernave Lopez Ramos v. Samuel Olson, et al.

TOPICS

- immigration detention
- removal proceedings
- due process
- statutory interpretation
- procedural due process

PRACTICE AREAS

immigration

immigration detention

habeas corpus

constitutional law

statutory interpretation

QUESTIONS PRESENTED

1. Whether Lopez Ramos's detention was governed by the mandatory-detention provisions of 8 U.S.C. § 1225(b)(2)(A) or the bond-hearing framework of 8 U.S.C. § 1226(a).
2. Whether applying the entry-fiction doctrine deprived Lopez Ramos of constitutional due process protections.
3. Whether detention without an individualized bond hearing violated Lopez Ramos's rights under the Fifth Amendment's Due Process Clause.

HOLDINGS

1. Section 1225(b)(2)(A) applies to noncitizens who are arriving or actively seeking admission, while § 1226(a) governs the detention of noncitizens already present in the United States and facing removal. Because Lopez Ramos had resided in the United States for approximately thirteen years and was not shown to be arriving or seeking admission, his detention was governed by § 1226(a), which entitled him to request a bond hearing before an immigration judge.
2. The entry-fiction doctrine did not apply because Lopez Ramos was not stopped at the border, the record did not establish that he was apprehended shortly after unlawful entry under the circumstances addressed in *Thuraissigiam*, and he was never paroled into the United States.
3. Lopez Ramos's detention without an individualized bond hearing violated the Fifth Amendment's Due Process Clause, and he was entitled to an individualized custody determination.

KEY QUOTATIONS

“Respondent is ORDERED to immediately release Petitioner, or in the alternative, provide him with a bond hearing under 8 U.S.C. § 1226(a) within seven (7) days of the date of this Order” (22)

“The plain language of the statutes, the overall structure, the intent of Congress, and over 30 years of agency action make clear that Section 1226(a) is the appropriate statutory framework ... for noncitizens who are already in the country and facing removal.”

FACTUAL BACKGROUND

Lopez Ramos, a native and citizen of Guatemala, entered the United States near Hidalgo, Texas, on January 19, 2013. His Notice to Appear, issued the following day, did not specify a time or date for appearance and identified him as an alien present in the United States who had not been admitted or paroled, rather than as an arriving alien. ICE detained him pursuant to an I-200 warrant on November 21, 2025, and he had not received an individualized bond hearing before filing his habeas petition.

PROCEDURAL HISTORY

Lopez Ramos filed a § 2241 habeas petition challenging his detention at the Campbell County Detention Center and requesting immediate release or a bond hearing before an immigration judge. Respondents filed a response, and Lopez Ramos filed a reply. The district court granted the petition and ordered immediate release or, alternatively, a bond hearing under 8 U.S.C. § 1226(a) within seven days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must immediately release Lopez Ramos or provide him with a bond hearing under 8 U.S.C. § 1226(a) within seven days of the order. Respondents must file a status report certifying compliance and describing the hearing and any bond denial by February 24, 2026.

CASES CITED

- *Munaf v. Geren*, 553 U.S. 674 (2008)
- *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004)
- *Rasul v. Bush*, 542 U.S. 466 (2004)
- *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024)
- *Walters v. Metropolitan Educational Enterprises, Inc.*, 519 U.S. 202 (1997)
- *Roberts v. Sea-Land Services, Inc.*, 566 U.S. 93 (2012)
- *Barrera v. Tindall*, No. 3:25-cv-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025)
- *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025)
- *Dubin v. United States*, 599 U.S. 110 (2023)
- *Edahi v. Lewis*, No. 4:25-cv-129-RGJ, 2025 WL 3466682 (W.D. Ky. Nov. 27, 2025)
- *J.G.O. v. Francis*, No. 25-cv-7233, 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025)
- *Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025)
- *Diaz v. Marinez*, 792 F. Supp. 3d 211 (D. Mass. 2025)
- *Star Athletica, LLC v. Varsity Brands, Inc.*, 580 U.S. 405 (2017)
- *Gustafson v. Alloyd Co., Inc.*, 513 U.S. 561 (1995)
- *Sanchez v. Mayorkas*, 593 U.S. 409 (2021)
- *Ochoa Ochoa v. Noem*, No. 25-cv-10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025)
- *Castañon-Nava v. U.S. Department of Homeland Security*, 161 F.4th 1048 (7th Cir. 2025)
- *Jennings v. Rodriguez*, 583 U.S. 281 (2018)
- *Zadvydas v. Davis*, 533 U.S. 678 (2001)
- *Leng May Ma v. Barber*, 357 U.S. 185 (1958)
- *Stone v. I.N.S.*, 514 U.S. 386 (1995)
- *Marx v. General Revenue Corp.*, 568 U.S. 371 (2013)

- Department of Homeland Security v. Regents of the University of California, 591 U.S. 1 (2020)
- Wright v. Spaulding, 939 F.3d 695 (6th Cir. 2019)
- United States ex rel. Knauff v. Shaughnessy, 338 U.S. 537 (1950)
- Landon v. Plasencia, 459 U.S. 21 (1982)
- Nishimura Ekiu v. United States, 142 U.S. 651 (1892)
- Shaughnessy v. United States ex rel. Mezei, 345 U.S. 205 (1953)
- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103 (2020)
- Make the Road New York v. Noem, No. 25-5320, 2025 WL 3563313 (D.C. Cir. Nov. 22, 2025)
- Kaplan v. Tod, 267 U.S. 228 (1925)
- Navarrete v. Noem, No. 4:25-cv-157-DJH, 2025 WL 3298081 (W.D. Ky. Nov. 26, 2025)
- American-Arab Anti-Discrimination Committee v. Ashcroft, 272 F. Supp. 2d 650 (E.D. Mich. 2003)
- A.A.R.P. v. Trump, 605 U.S. 91 (2025)
- Trump v. J.G.G., 604 U.S. 670 (2025)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Foucha v. Louisiana, 504 U.S. 71 (1992)
- Yamataya v. Fisher, 189 U.S. 86 (1903)
- Goldberg v. Kelly, 397 U.S. 254 (1970)
- Günaydin v. Trump, No. 25-cv-01151, 2025 WL 1459154 (D. Minn. May 21, 2025)