

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Melquisedec Hernandez Rodriguez v. Michael Ball, in his official capacity as Acting Deputy Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al.

Hernandez Rodriguez v. Ball · No. 6:26-CV-06618-EAW · Decided June 17, 2026

SUMMARY

The United States District Court for the Western District of New York granted an immigration detainee’s 28 U.S.C. § 2241 petition to the extent he sought a bond hearing. The court ordered an immigration judge to conduct the hearing, placed the burden on the government to prove dangerousness or flight risk by clear and convincing evidence, and required a status update.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Elizabeth Wolford
JURISDICTION	United States District Court for the Western District of New York
DECIDED	June 17, 2026
DOCKET	6:26-CV-06618-EAW
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 by a civil immigration detainee challenging the statutory and constitutional basis for his detention and seeking a bond hearing.
STANDARD OF REVIEW	The court applied the procedural due process balancing framework from Mathews v. Eldridge to determine the required procedures for a bond hearing.
PRECEDENTIAL VALUE	Unpublished district court decision; precedential status is not stated in the opinion.
PARTIES	Melquisedec Hernandez Rodriguez v. Michael Ball, in his official capacity as Acting Deputy Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al.

TOPICS

immigration detention

removal proceedings

procedural due process

due process

remedies

PRACTICE AREAS

immigration

constitutional law

habeas corpus

immigration detention

remedies

QUESTIONS PRESENTED

1. Whether Petitioner was entitled to a bond hearing because his detention was governed by 8 U.S.C. § 1226(a), rather than mandatory detention under 8 U.S.C. § 1225(b)(2).
2. What procedural protections must govern the bond hearing, including the allocation and quantum of proof required for continued detention.

HOLDINGS

1. Petitioner was entitled to a bond hearing because, under the cited Second Circuit and district court decisions, detention of similarly situated noncitizens was governed by 8 U.S.C. § 1226(a), not mandatory detention under 8 U.S.C. § 1225(b)(2).
2. At the bond hearing, the government must prove dangerousness or flight risk by clear and convincing evidence.
3. To continue detention after the bond hearing, the immigration judge must find by clear and convincing evidence that no condition or combination of conditions can reasonably ensure the petitioner's appearance and community safety; if the government fails to meet that burden, the judge must consider ability to pay and alternative conditions of release when setting bond.

KEY QUOTATIONS

“After considering the balancing test set forth in Mathews v. Eldridge, 424 U.S. 319 (1976), the Court concludes that the government shall have the burden to demonstrate dangerousness or flight risk by clear and convincing evidence.”

“Thus, in order to continue Petitioner’s detention after any bond hearing, the IJ must find by clear and convincing evidence and make findings that no condition or combination of conditions of release can reasonably ensure Petitioner’s appearance and the safety of the community”

FACTUAL BACKGROUND

Petitioner is a civil immigration detainee held in ICE custody at the Buffalo Federal Detention Facility in Batavia, New York, pending removal proceedings. He alleged that his detention was unconstitutional and sought relief under 28 U.S.C. § 2241. The government acknowledged that decisions addressing materially similar detention practices required that Petitioner receive a bond hearing.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition alleging that his detention in ICE custody pending removal proceedings violated the United States Constitution. Respondents acknowledged that controlling and persuasive decisions

concerning materially similar detention challenges required the same result and entitlement to a bond hearing. The district court granted the petition to the extent it sought a bond hearing and imposed detailed procedures and deadlines.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Petitioner a bond hearing before an immigration judge on or before June 24, 2026, subject to a reasonable continuance requested by Petitioner. The government must prove dangerousness or flight risk by clear and convincing evidence. The immigration judge must consider less-restrictive alternatives, ability to pay, and alternative conditions of release, and must make findings before continuing detention. Respondents must file a status update with the district court by June 26, 2026.

CASES CITED

- Cunha v. Freden, 175 F.4th 61 (2d Cir. 2026)
- Ivonin v. Rhoney, et al., No. 6:25-CV-06673 EAW, 2026 WL 199283 (W.D.N.Y. Jan. 26, 2026)
- Ab-Rahim v. Marich, No. 6:26-CV-06005-EAW, 2026 WL 279113, at *1 (W.D.N.Y. Feb. 3, 2026)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Lieogo v. Freden, No. 6:25-CV-06615 EAW, 2025 WL 3290694, at *4-6 (W.D.N.Y. Nov. 26, 2025)

OPINION

Bausch

PER CURIAM.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
MELQUISEDEC HERRNANDEZ
RODRIGUEZ,

Petitioner,

DECISION AND ORDER

v.

6:26-CV-06618-EAW

MICHAEL BALL, in his official capacity as Acting Deputy Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al.,¹ Respondents. Petitioner Melquisedec Hernandez Rodriguez (“Petitioner”) is a civil immigration detainee alleging that he is being detained in United States Immigration and Customs Enforcement (“ICE”) custody pending removal proceedings in violation of the United States Constitution. (Dkt. 1). He seeks relief under 28 U.S.C. § 2241. (Id.). Petitioner is being held at the Buffalo Federal Detention Facility in

Batavia, New York. (Id. at ¶ 11). The Second Circuit issued a decision in *Cunha v. Freden*, 175 F.4th 61 (2d Cir. 2026), holding that noncitizens who are present in the United States after entering without 1 Michael Ball is the Acting Deputy Field Office Director of the Buffalo Field Office of the United States Immigration and Customs Enforcement and thus is substituted as Respondent in place of James Bausch pursuant to Federal Rule of Civil Procedure 25(d). In addition, David Venturella is the Acting Director of ICE and is substituted in place of Todd Lyons. The Clerk of Court is directed to update the docket to reflect this substitution. inspection and admission and who were not apprehended at or near the border at the time of entry are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) but instead are subject to detention under section 1226(a). In addition, this Court issued Decisions and Orders in *Ivonin v. Rhoney, et al.*, No. 6:25-CV-06673 EAW, 2026 WL 199283 (W.D.N.Y. Jan. 26, 2026) and *Ab-Rahim v. Marich*, No. 6:26-CV-06005-EAW, 2026 WL 279113, at

*1 (W.D.N.Y. Feb. 3, 2026), holding that the detention of noncitizens following expiration of parole is also governed by 8 U.S.C. § 1226(a), and not § 1225(b)(2). Respondents acknowledge that the rulings in the identified cases concern the same or similar challenges to the government policy or practice at issue in the instant petition and would direct the same outcome in this matter entitling Petitioner to a bond hearing. (Dkt. 5). Accordingly, for the reasons articulated in the aforementioned decisions, the petition is granted to the extent that Petitioner seeks a bond hearing, and a bond hearing shall be conducted in accordance with the following terms:

1. Petitioner shall be granted a bond hearing before an immigration judge (“IJ”) on or before June 24, 2026. If Petitioner requests a continuance that results in a bond hearing date outside this deadline, such a continuance will comply with this Order as long as the new date falls within a reasonable time period.

2. After considering the balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Court concludes that the government shall have the burden to demonstrate dangerousness or flight risk by clear and convincing evidence. See *Lieogo v. Freden*, No. 6:25-CV-06615 EAW, 2025 WL 3290694, at *4-6 (W.D.N.Y. Nov. 26, 2025) (Court’s analysis of Mathews factors under similar circumstances to this case, which applies equally here). In deciding whether the government has met its burden of proof, the IJ must consider whether less-restrictive alternatives to detention can reasonably address the government’s interest in Petitioner’s continued detention.

3. If the IJ finds that the government has not met its burden, then in setting any bond the IJ must consider Petitioner’s ability to pay and alternative conditions of release.

4. Thus, in order to continue Petitioner’s detention after any bond hearing, the IJ must find by clear and convincing evidence and make findings that no condition or combination of conditions of release can reasonably ensure Petitioner’s appearance and the safety of the community—that is, even with conditions, Petitioner presents an identified and articulable risk of flight or a threat to another person or the community.

5. Respondents are directed to file a status update with the Court on or before June 26, 2026.

SO ORDERED. .) A,

KLIZABEYH WOLFORD

Chief Judge United States District Court Dated: June 17, 2026 Rochester, New York _3-