

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

Dalila Doribel Marroquin v. Kristi Noem, et al.

Civil Action No. 26-45-DLB · No. Civil Action No. 26-45-DLB · Decided March 2, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky denies Dalila Doribel Marroquin’s petition for a writ of habeas corpus challenging her immigration detention and the denial of bond. The court concludes that Marroquin is detained under the discretionary detention framework of 8 U.S.C. § 1226(a), but that 8 U.S.C. § 1226(e) precludes judicial review of her challenge because it contests the Immigration Judge’s weighing of evidence rather than the statutory framework or the fairness of the hearing. The court entered the memorandum order and opinion on March 2, 2026.

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	March 2, 2026
DOCKET	Civil Action No. 26-45-DLB
DISPOSITION	denied
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking immediate release or a new bond hearing.
STANDARD OF REVIEW	The petitioner bears the burden of establishing entitlement to federal habeas relief and proving the facts necessary to show a constitutional violation. The court treated jurisdiction as a threshold issue and reviewed the statutory question concerning the scope of 8 U.S.C. § 1226(e).
PRECEDENTIAL VALUE	unpublished district-court decision; precedential status unknown
PARTIES	Dalila Doribel Marroquin v. Kristi Noem, Samuel Olson, Pamela Bondi, James A. Daley

TOPICS

immigration detention subject matter jurisdiction removal proceedings judicial review of agency action
procedural due process

PRACTICE AREAS

immigration habeas corpus immigration detention federal jurisdiction administrative law

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1226(e) deprived the district court of jurisdiction to review Marroquin's challenge to the Immigration Judge's discretionary denial of bond.
2. Whether Marroquin presented a cognizable challenge to the statutory detention framework or instead merely challenged the Immigration Judge's weighing of the evidence.

HOLDINGS

1. 8 U.S.C. § 1226(e) bars judicial review of a discretionary Immigration Judge decision regarding detention, release, or bond when the petitioner challenges the result reached in her particular case.
2. Marroquin did not raise a cognizable challenge to the INA's statutory framework or the extent of the government's detention authority; she challenged only the correctness of the Immigration Judge's discretionary bond decision.
3. A noncitizen who entered the United States without inspection and remained present for years before being arrested by ICE is subject to the discretionary detention scheme of 8 U.S.C. § 1226 rather than the mandatory detention scheme of § 1225(b)(2).

KEY QUOTATIONS

"Accordingly, "district courts do not have jurisdiction to review discretionary decisions made by an IJ regarding bond."" (Section III.B)

"Because Marroquin challenges a discretionary application of § 1226(a) and fails to raise a cognizable challenge to the underlying statutory framework or the extent of the Government's detention authority, § 1226(e) precludes this Court's review." (Section III.B)

FACTUAL BACKGROUND

Marroquin, a Guatemalan citizen, entered the United States without inspection more than twenty years before the case and continuously resided there, including with her three U.S.-citizen sons. After she was cited for driving and driver's-license-related offenses, ICE detained her and initiated removal proceedings; she was not subject to a final removal order. She received a bond redetermination hearing, presented evidence concerning her family, residence, employment, community ties, and criminal history, but the Immigration Judge denied bond based on danger and flight-risk findings.

PROCEDURAL HISTORY

ICE detained Marroquin after charging her with immigration violations and served her with a Notice to Appear in removal proceedings. An Immigration Judge held a bond redetermination hearing and denied bond, finding that Marroquin was a danger and, alternatively, a flight risk; Marroquin did not appeal that decision. She then filed this § 2241 habeas petition, and after the government responded and she replied, the district court denied the petition for lack of jurisdiction to review the discretionary bond determination.

DISPOSITION

denied

CASES CITED

- *Munaf v. Geren*, 553 U.S. 674, 693 (2008)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004)
- *Caver v. Straub*, 349 F.3d 340, 351 (6th Cir. 2003)
- *Romaine v. Head*, 253 F.3d 1349, 1357 (11th Cir. 2001)
- *Rasul v. Bush*, 542 U.S. 466, 483 (2004)
- *Moyao Roman v. Olson*, No. 25-cv-169-DLB-CJS, 2025 WL 3268403, at *1 (E.D. Ky. Nov. 24, 2025)
- *Pacheco-Acosta v. Olson*, No. 25-cv-186-DLB, 2025 WL 3542128, at *1 (E.D. Ky. Dec. 10, 2025)
- *Lopez-Ramos v. Olson*, No. 26-cv-8-DLB, 2026 WL 372887, at *1 (E.D. Ky. Feb. 10, 2026)
- *Florida v. Thomas*, 532 U.S. 774, 777 (2001)
- *In re: 2016 Primary Election*, 836 F.3d 584, 587 (6th Cir. 2016)
- *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994)
- *Bowles v. Russell*, 551 U.S. 205, 212 (2007)
- *Fuentes v. Lyons*, No. 5:25-cv-153, 2025 WL 3022478, at *3 (S.D. Tex. Oct. 29, 2025)
- *Nielsen v. Preap*, 586 U.S. 392, 401 (2019)
- *Jennings v. Rodriguez*, 583 U.S. 295-96 (2018)
- *Igor Borbot v. Warden Hudson County Correctional Facility*, *Borbot v. Warden Hudson Cnty. Corr. Fac.*, 906 F.3d 274, 279 (3d Cir. 2018)
- *Demore v. Kim*, 538 U.S. 510, 517 (2003)
- *Matter of Guerra*, 24 I. & N. Dec. 37 (BIA 2006)
- *Matter of Adeniji*, 22 I. & N. Dec. 1102 (BIA 1999)
- *Hernandez-Gabriel v. Tate*, No. 25-cv-5687-H, 2026 WL 161192, at *4 (S.D. Tex. Jan. 20, 2026)
- *Perez Sierra v. Bondi*, No. 25-cv-18829, 2026 WL 497070, at *3 (D.N.J. Feb. 23, 2026)
- *Soto-Medina v. Lynch*, No. 1:25-cv-1704, 2026 WL 161002, at *2 (W.D. Mich. Jan. 21, 2026)
- *Espinosa v. ICE Field Office Director*, No. 2:26-cv-34-JHC, 2026 WL 369799, at *1 (W.D. Wash. Feb. 10, 2026)
- *Bazurto v. Olson*, No. 1:26-cv-122-SEB-CSW, 2026 WL 285993, at *5 (S.D. Ind. Feb. 3, 2026)

