

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, OWENSBORO DIVISION

Elizabeth Roman Ariza v. Kristi Noem, et al.

Civil Action No. 4:25-cv-165-RGJ · No. Civil Action No. 4:25-cv-165-RGJ · Decided December 23, 2025

SUMMARY

The court grants Elizabeth Roman Ariza’s petition for a writ of habeas corpus, holding that her detention is governed by 8 U.S.C. § 1226 rather than the mandatory-detention provisions of 8 U.S.C. § 1225(b)(2). The court concludes that Ariza, who had been present in the United States for more than two years and was placed in regular removal proceedings, was not an alien seeking admission under § 1225(b)(2)(A). The court also holds that it has jurisdiction to review her detention and waives any exhaustion requirement.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Owensboro Division
JURISDICTION	United States District Court for the Western District of Kentucky, Owensboro Division
DECIDED	December 23, 2025
DOCKET	Civil Action No. 4:25-cv-165-RGJ
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention.
STANDARD OF REVIEW	The court reviewed its habeas jurisdiction under 28 U.S.C. § 2241 and independently interpreted the governing immigration statutes. It applied the three-part procedural due-process balancing test from Mathews v. Eldridge.
PRECEDENTIAL VALUE	unpublished district-court decision
PARTIES	Elizabeth Roman Ariza v. Kristi Noem, United States government respondents

TOPICS

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

PRACTICE AREAS

immigration

immigration detention

civil rights

constitutional law

habeas corpus

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction under 28 U.S.C. § 2241 to review Ariza's immigration detention notwithstanding 8 U.S.C. § 1252(b)(9).
2. Whether Ariza's detention was governed by the mandatory-detention provision of 8 U.S.C. § 1225(b)(2)(A) or the discretionary detention and bond-hearing framework of 8 U.S.C. § 1226(a).
3. Whether Ariza's continued detention without an individualized merits bond hearing violated the Fifth Amendment Due Process Clause and the INA.
4. What relief was appropriate for the unlawful detention.

HOLDINGS

1. Section 1252(b)(9) does not bar district-court habeas jurisdiction over a challenge to the statutory and constitutional validity of immigration detention when the petitioner does not seek review of a removal order, the decision to seek removal, or the process by which removability will be determined.
2. For a noncitizen who has been present in the United States for more than two years, is in standard removal proceedings, is not presently seeking admission, and was arrested under a Form I-200 warrant, 8 U.S.C. § 1226—not § 1225(b)(2)(A)—governs detention.
3. Ariza's continued detention without a merits bond hearing before a neutral immigration judge violated the Fifth Amendment Due Process Clause and the INA.

KEY QUOTATIONS

“Because she challenges the statutory and constitutional validity of her continued detention, § 1252(b)(9) does not bar jurisdiction and review Ariza’s petition is appropriate.” (Section II)

“In sum, based upon the statutory scheme and relationship between Section 1225 and Section 1226, and most importantly the text, the Court finds it difficult to read a noncitizen who is “seeking admission” when the individual is not attempting to “seek” admission pursuant to Section 1225(b)(2)(A).” (Section IV.A.2)

“The current detention of Ariza is in violation of the Due Process Clause and the INA.” (Section IV.B)

“Habeas has traditionally been a means to secure release from unlawful detention.” (Section V)

FACTUAL BACKGROUND

Elizabeth Roman Ariza, a Colombian citizen, had lived in the United States since December 2022 and was initially paroled into the country as an alternative to detention. ICE arrested her in Chicago on November 4, 2025, issued a Form I-862 Notice to Appear and a Form I-200 Warrant of Arrest, and detained her during standard removal proceedings. Ariza had two minor U.S.-citizen children, no criminal or civil charges, and had remained compliant with ICE instructions. She had not received a merits bond hearing before an immigration judge.

PROCEDURAL HISTORY

ICE arrested and detained Ariza in November 2025 during removal proceedings. She filed a § 2241 habeas petition challenging detention under 8 U.S.C. § 1225 rather than § 1226, asserting statutory and Fifth Amendment due-process violations. The United States opposed the petition, the parties waived a show-cause hearing, and the district court granted habeas relief.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The United States must release Ariza because of the unlawful detention, provide her with a merits bond hearing before a neutral immigration judge pursuant to § 1226 before any redetention, and certify compliance by filing on the docket.

CASES CITED

- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Zadvydas v. Davis, 533 U.S. 678, 688, 690 (2001)
- DHS v. Regents of the University of California, 591 U.S. 1, 19, 22 (2020)
- Jennings v. Rodriguez, 583 U.S. 281, 288-89, 294-95, 301 (2018)
- Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482 (1999)
- Alonso v. Tindall, 2025 WL 3083920, at *2, *5 (W.D. Ky. Nov. 4, 2025)
- In re Village Apothecary, Inc., 45 F.4th 940, 947 (6th Cir. 2022)
- Roberts v. Sea-Land Services, Inc., 566 U.S. 93, 101 (2012)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 400, 413 (2024)
- TRW Inc. v. Andrews, 534 U.S. 19, 31 (2001)
- United States ex rel. Polansky v. Executive Health Resources, Inc., 599 U.S. 419, 432 (2023)
- Dubin v. United States, 599 U.S. 110, 118, 120-21 (2023)
- Yates v. United States, 574 U.S. 528, 552 (2015) (Alito, J., concurring)
- Rodriguez v. Bostock, 779 F. Supp. 3d 1239, 1247 (W.D. Wash. 2025)
- Aroldo Rodriguez Diaz v. Merrick Garland, Rodriguez Disa v. Garland, 53 F.4th 1189, 1197 (9th Cir. 2022)
- Pizarro Reyes v. Raycraft, 2025 WL 2609425, at *5 (6th Cir. 2025)
- Martinez v. Hyde, 792 F. Supp. 3d 211, 222 (D. Mass. 2025)
- Stone v. I.N.S., 514 U.S. 386, 397 (1995)
- United States v. Taylor, 596 U.S. 845, 857 (2022)
- Gustafson v. Alloyd Co., 513 U.S. 561, 574 (1995)
- Corley v. United States, 556 U.S. 303, 314 (2009)
- Torres v. Lynch, 578 U.S. 452, 472 (2016)

- Roman v. Olson, 2025 WL 3268403, at *4 (E.D. Ky. Nov. 24, 2025)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)
- Hamdi v. Rumsfeld, 542 U.S. 507, 529 (2004)
- A.A.R.P. v. Trump, 605 U.S. 91, 94 (2025)
- Munoz Materano v. Arteta, 2025 WL 2630826, at *11, *15, *20 (S.D.N.Y. Sept. 12, 2025)
- Thuraissigiam v. Department of Homeland Security, 591 U.S. 103, 107-09 (2020)
- Hyppolite v. Noem, 2025 WL 2829511, at *15-16 (E.D.N.Y. Oct. 6, 2025)
- Lopez-Arevelo v. Ripa, 2025 WL 2691828, at *12 (W.D. Tex. Sept. 22, 2025)
- Black v. Decker, 103 F.4th 133, 149-50 (2d Cir. 2024)

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