

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Demir v. Ball

No. 26-CV-00525-JON (W.D.N.Y. June 25, 2026) · No. 26-CV-00525-JON · Decided June 25, 2026

SUMMARY

The court grants Sait Demir’s habeas petition to the extent that he must receive a bond hearing concerning his continued immigration detention. It holds that his detention is governed by 8 U.S.C. § 1226(a), rather than § 1225(b)(1), because he had previously been paroled into the United States and was later detained away from the border. The court requires the Government to show by clear and convincing evidence that Demir is a flight risk or danger to the community and prohibits his removal from the Western District of New York pending further order.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Jon O. Newman
JURISDICTION	United States District Court for the Western District of New York
DECIDED	June 25, 2026
DOCKET	26-CV-00525-JON
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 seeking a bond hearing during immigration detention.
STANDARD OF REVIEW	The Court independently determined whether subject-matter jurisdiction existed and whether Demir was detained in violation of the Constitution or laws of the United States. The Court reviewed the statutory basis for detention and the due-process requirements applicable to prolonged civil detention.
PRECEDENTIAL VALUE	Unpublished federal district court decision; persuasive but not binding precedent outside the case.
PARTIES	Sait Demir v. Michael Ball, Warden, Buffalo Federal Detention Facility

TOPICS

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QUESTIONS PRESENTED

1. Whether the federal district court had subject-matter jurisdiction under 28 U.S.C. § 2241 over Demir's challenge to his immigration detention.
2. Whether Demir's detention was governed by 8 U.S.C. § 1225(b)(1) or § 1226(a) after he had previously been released on parole and was later rearrested.
3. Whether the duration of Demir's detention without a bond hearing violated the Fifth Amendment's Due Process Clause.
4. Whether the Government must prove by clear and convincing evidence at the bond hearing that Demir is not a flight risk or danger to the community.

HOLDINGS

1. The district court had jurisdiction under 28 U.S.C. § 2241 to adjudicate Demir's claim that his immigration detention violated the Constitution or laws of the United States.
2. Because Demir had previously been released on parole, his later detention was governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(1) or § 1225(b)(2)(A).
3. Demir's approximately twelve-and-one-half-month detention under § 1226(a) without a bond hearing required that he receive a bond hearing.
4. At Demir's bond hearing, the Government must prove by clear and convincing evidence that he is not a flight risk or a danger to the community.

KEY QUOTATIONS

“The length of Demir’s detention suffices to require a bond hearing.”

“The Court ruled that da Cunha, arrested at a great distance from where he entered the United States, was “an applicant for admission” but was not “seeking admission.””

“Petitioner is protected by the Fifth Amendment’s Due Process Clause, requiring any civil detention to be ‘nonpunitive in purpose and effect,’”

FACTUAL BACKGROUND

Demir, a Turkish citizen, unlawfully entered the United States from Mexico in November 2024 and was placed in expedited-removal proceedings. He was released on parole for one year, established residence in Syracuse, New York, and later had his asylum application dismissed as not processable at that time. ICE arrested him in Syracuse without a warrant, according to an undisputed allegation, and detained him at the Buffalo Federal

Detention Facility. By the time of the hearing, he had been detained for approximately twelve and one-half months, and an immigration judge had affirmed a finding that he lacked a credible fear of removal to Turkey.

PROCEDURAL HISTORY

Demir filed a habeas petition on March 20, 2026, seeking a bond hearing. The Government filed a response, and the Court held a hearing on June 17, 2026. The Court granted the petition to the extent that Demir must receive a bond hearing within five days and ordered that he not be removed from the Western District of New York pending further order.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

A bond hearing must be held within the Western District of New York no later than five days after the opinion. The Government must bear the burden of proving by clear and convincing evidence that Demir is not a flight risk or danger to the community. Respondents may not remove Demir from the Western District of New York until further order. The case remains open for further relief.

CASES CITED

- *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004)
- *Rezzonico v. H&R Block, Inc.*, 182 F.3d 144, 149 (2d Cir. 1999)
- *St. Charles v. Barr*, 514 F. Supp. 3d 570, 576 (W.D.N.Y. 2021)
- *Dubin v. United States*, 599 U.S. 110, 120-21 (2023)
- *Barbosa da Cunha v. Freden*, 175 F.4th 61, 74, 94-96 (2d Cir. 2026)
- *Cox v. Department of Justice*, 111 F.4th 198, 209 (2d Cir. 2024)
- *Zadvydass v. Davis*, 533 U.S. 678, 687-88, 690 (2001)
- *Black v. Decker*, 103 F.4th 133, 155-56 (2d Cir. 2024)
- *Velasco Lopez v. Decker*, 978 F.3d 842, 851-53 (2d Cir. 2020)
- *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)
- *Camreta v. Greene*, 563 U.S. 692, 709 n.7 (2011)
- *Reid v. BCBSM, Inc.*, 787 F.3d 892, 895 n.2 (8th Cir. 2015)
- *McGinley v. Houston*, 361 F.3d 1328, 1331 (11th Cir. 2004)
- *United States v. Articles of Drugs*, 818 F.2d 569, 572 (7th Cir. 1987)

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