

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, NORFOLK DIVISION

Edwin Rolando Alvarado Torres v. Nay Hidalgo, et al.

Torres · No. 2:26-cv-00603 · Decided June 22, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia grants Edwin Rolando Alvarado Torres’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), applies to Petitioner and orders Respondents to provide him with a bond hearing within three days.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Norfolk Division
WRITING FOR THE COURT	Elizabeth W. Hanes
JURISDICTION	United States District Court for the Eastern District of Virginia, Norfolk Division
DECIDED	June 22, 2026
DOCKET	2:26-cv-00603
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking release or a bond hearing.
STANDARD OF REVIEW	The Court reviewed the habeas filings and the incorporated arguments concerning the statutory basis for Petitioner's detention; no separate standard of review was expressly stated.
PRECEDENTIAL VALUE	Unpublished federal district court memorandum order; persuasive rather than precedential.
PARTIES	Edwin Rolando Alvarado Torres v. Nay Hidalgo, et al.

TOPICS

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

PRACTICE AREAS

immigration

immigration detention

habeas corpus

constitutional law

civil rights

QUESTIONS PRESENTED

1. Whether a noncitizen who entered the United States without inspection is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) or discretionary detention under 8 U.S.C. § 1226(a).
2. Whether Petitioner is entitled to a bond hearing under § 1226(a) and whether continued detention without such a hearing violates due process.

HOLDINGS

1. Because Petitioner was not seeking initial admission and was already within the United States, he fell within the category of aliens already in the country subject to discretionary detention under § 1226(a), rather than mandatory detention under § 1225(b)(2)(A).
2. Section 1226(a) entitled Petitioner to a bond hearing before an Immigration Judge, and his continued detention without a bond hearing was unlawful and violated his due process rights.

KEY QUOTATIONS

“Based on this Court’s review of the filings in this case and the arguments made in Duarte Escobar, Petitioner is not “seeking admission” for purposes of § 1225(b)(2) and instead falls into the category of “aliens already in the country” subject to the discretionary detention provisions in § 1226(a).”

“Accordingly, the discretionary detention provisions of 8 U.S.C. § 1226(a) apply in this case, and therefore Petitioner’s continued detention without a bond hearing is unlawful and violates Petitioner’s due process rights.”

FACTUAL BACKGROUND

Petitioner is a noncitizen detained by ICE at the Caroline Detention Center. He entered the United States without inspection and was detained under circumstances implicating 8 U.S.C. §§ 1226(a) and 1225(b)(2)(A). He sought release or, alternatively, a bond hearing before an Immigration Judge.

PROCEDURAL HISTORY

Petitioner, an ICE detainee, filed a § 2241 petition alleging unlawful detention and denial of a bond hearing. The Court directed Respondents to state whether the factual and legal issues differed materially from those in *Duarte Escobar v. Perry*; Respondents stated that they did not and incorporated their arguments from that case. The Court granted the petition and ordered a bond hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents were ordered to provide Petitioner a bond hearing pursuant to 8 U.S.C. § 1226(a) within three days of the order. Respondents must file a status report within three days after the hearing stating whether bond was granted and, if denied, the case-specific reasons provided by the Immigration Judge.

CASES CITED

- Duarte Escobar v. Perry, 807 F. Supp. 3d 564 (E.D. Va. 2025)
- Hasan v. Crawford, 800 F. Supp. 3d 641, 651–57 (E.D. Va. 2025)
- Landon v. Plasencia, 459 U.S. 21, 32 (1982)
- Zadvydas v. Davis, 533 U.S. 678, 693 (2001)

OPINION

Torres

PER CURIAM.

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Norfolk Division

EDWIN ROLANDO ALVARADO

TORRES,

Petitioner, v. Civil Action No. 2:26-cv-603 NAY HIDALGO, et al., Respondents.

MEMORANDUM ORDER

Petitioner Edwin Rolando Alvarado Torres (“Petitioner”), a noncitizen and detainee of the United States Immigration and Customs Enforcement (“ICE”), filed a Petition for Writ of Habeas Corpus (“Petition”) pursuant to 28 U.S.C. § 2241, alleging that he has been unlawfully detained and denied a bond hearing under 8 U.S.C. § 1226. Dkt. No. 1. Petitioner was taken into ICE custody and has been detained at the Caroline Detention Center. Dkt. No. 1. Petitioner asks this Court to order his release from ICE custody or, in the alternate, to order a bond hearing under 8 U.S.C. § 1226. The Petition turns on the resolution of an issue pending throughout the courts: whether Petitioner, as a noncitizen who entered the United States without inspection is entitled to a bond hearing under 8 U.S.C. § 1226(a), or whether he is subject to mandatory detention as provided for in 8 U.S.C. § 1225(b)(2)(A). Given the apparent similarities between this case and others pending before the Court, the Court ordered Respondents to file a notice indicating whether the factual and legal issues presented in the present Petition differ in any material fashion from those presented in Duarte Escobar v. Perry, et al., 807 F. Supp. 3d 564 (E.D. Va. 2025). In response, Respondents notified the Court that “the factual and legal issues presented in the instant habeas petition do not differ in any material fashion from those presented in Duarte Escobar” and the Respondents incorporate their arguments from that case into the record here. Dkt. No. 6; see Duarte Escobar, No. 3:25-cv-758, Dkt. No. 18. Based on this Court’s review of the filings in this case and the arguments made in Duarte Escobar, Petitioner is not “seeking admission” for purposes of § 1225(b)(2) and instead falls into the category of “aliens already in the country” subject to the discretionary detention provisions in § 1226(a). Therefore, the Court concludes that 8 U.S.C. §

1226(a) entitles Petitioner to a bond hearing before an Immigration Judge. Other jurists in this Court have previously addressed the same arguments concerning the application of 8 U.S.C. § 1226(a) in this context in cases such as *Hasan v. Crawford*, 800 F. Supp. 3d 641, 651–57 (E.D. Va. 2025), and the Court incorporates Hasan’s reasoning into this Order. The Supreme Court has “long held that an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative.” *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). “But once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Accordingly, the discretionary detention provisions of 8 U.S.C. § 1226(a) apply in this case, and therefore Petitioner’s continued detention without a bond hearing is unlawful and violates Petitioner’s due process rights. For these reasons, the Court will GRANT the Petition, Dkt. No. 1, and ORDER that Petitioner be provided a bond hearing pursuant to 8 U.S.C. § 1226(a) within three (3) days of this 2 Order. Respondents are ORDERED to file a status report with this Court within three (3) days of the bond hearing, stating whether Petitioner has been granted bond, and, if his request for bond was denied, the case-specific reasons given by the Immigration Judge for that denial. Let the Clerk of the Court send a copy of this Final Order to all counsel of record and to Petitioner at his address of record. It is SO ORDERED. Elizabeth W. Hanes United States District Judge Norfolk, Virginia Date: June 22, 2026