

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PRECEDENTIAL VALUE	Unpublished federal district court memorandum order; persuasive rather than precedential.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)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-virginia-norfolk-division-united-states-dis/2026/edwin-rolando-alvarado-torres-v-nay-hidalgo-et-al-afsy6pf0>