

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Rohan Kumar v. Philip Rhoney, in his official capacity as Deputy Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al.

No. 6:26-CV-6039-EAW · No. 6:26-CV-6039-EAW · Decided January 15, 2026

SUMMARY

The United States District Court for the Western District of New York granted Rohan Kumar’s 28 U.S.C. § 2241 petition to the extent it sought a bond hearing regarding his civil immigration detention. The court ordered an immigration judge to conduct a hearing under standards requiring the government to prove dangerousness or flight risk by clear and convincing evidence and to consider alternatives to detention and the petitioner’s ability to pay.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Elizabeth A. Wolford
JURISDICTION	United States District Court for the Western District of New York
DECIDED	January 15, 2026
DOCKET	6:26-CV-6039-EAW
DISPOSITION	remanded
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, challenging his continued civil immigration detention and seeking a bond hearing. The Court issued an order to show cause, and Respondents acknowledged that the Court's prior decisions required the same result.
PRECEDENTIAL VALUE	District court order; precedential status not stated in the source.
PARTIES	Rohan Kumar v. Philip Rhoney, in his official capacity as Deputy Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al.

TOPICS

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

PRACTICE AREAS

immigration detention

habeas corpus

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether a noncitizen present in the United States without having been admitted or paroled is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) or instead detention under 8 U.S.C. § 1226.
2. Whether Kumar was entitled to a bond hearing in which the government bears the burden of proving dangerousness or flight risk by clear and convincing evidence.
3. What procedures must govern the bond hearing and any continued detention.

HOLDINGS

1. A noncitizen present in the United States without having been admitted or paroled is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), but instead is subject to detention under 8 U.S.C. § 1226.
2. Kumar must receive a bond hearing before an immigration judge, with the government required to prove dangerousness or flight risk by clear and convincing evidence.
3. To continue Kumar's detention after the bond hearing, the immigration judge must find by clear and convincing evidence that no condition or combination of conditions can reasonably ensure Kumar's appearance and the safety of the community, including by considering less-restrictive alternatives, Kumar's ability to pay, and alternative conditions of release.

KEY QUOTATIONS

“At this bond hearing, the government will have the burden to demonstrate dangerousness or flight risk by clear and convincing evidence.”

“Thus, in order to continue Petitioner’s detention after any bond hearing, the IJ must find by clear and convincing evidence and make findings that no condition or combination of conditions of release can reasonably ensure Petitioner’s appearance and the safety of the community”

FACTUAL BACKGROUND

Rohan Kumar is a civil immigration detainee held by the Buffalo Field Office of U.S. Immigration and Customs Enforcement pending removal proceedings. The opinion states that Kumar is a noncitizen present in the United States without having been admitted or paroled. He challenged his detention under the United States Constitution and sought a bond hearing through a petition for habeas corpus under 28 U.S.C. § 2241.

PROCEDURAL HISTORY

Kumar filed a § 2241 petition alleging that his detention in Immigration and Customs Enforcement custody pending removal proceedings violated the Constitution. After the Court directed Respondents to show cause why the petition should not be granted to the extent it sought a bond hearing, Respondents conceded that the Court's decisions in *Quitizaca Quitisaca v. Bondi* and *Lieogo v. Freden* controlled the issue. The Court granted the

petition insofar as it sought a bond hearing and imposed procedures governing that hearing and any continued detention.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Respondents must ensure that Kumar receives a bond hearing before an immigration judge on or before January 23, 2026, subject to a reasonable continuance requested by Kumar. At the hearing, the government must prove dangerousness or flight risk by clear and convincing evidence; the immigration judge must consider less-restrictive alternatives, Kumar's ability to pay, and alternative conditions of release. Respondents must file a status update by January 27, 2026.

CASES CITED

- *Quituizaca Quituisaca v. Bondi*, No. 6:25-CV-6527-EAW, 2025 WL 3264440 (W.D.N.Y. Nov. 24, 2025)
- *Lieogo v. Freden*, No. 6:25-CV-06615-EAW, 2025 WL 3290694 (W.D.N.Y. Nov. 26, 2025)

OPINION

Kumar

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NEW YORK

ROHAN KUMAR,

Petitioner, v. ORDER

6:26-CV-6039-EAW

PHILIP RHONEY, in his official capacity as Deputy Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al., Respondents. Petitioner Rohan Kumar ("Petitioner") is a civil immigration detainee alleging that he is being detained in United States Immigration and Customs Enforcement custody pending removal proceedings in violation of the United States Constitution and seeks relief under 28 U.S.C. § 2241. (Dkt. 1). Petitioner is being held in the custody of the Buffalo Field Office of U.S. Immigration and Customs Enforcement. (Id. at ¶ 7). The Court has issued written decisions in *Quituizaca Quituisaca v. Bondi*, No. 6:25-CV-6527-EAW, 2025 WL 3264440 (W.D.N.Y. Nov. 24, 2025), and *Lieogo v. Freden*, No. 6:25-CV-06615 EAW, 2025 WL 3290694 (W.D.N.Y. Nov. 26, 2025), finding that noncitizens who are present in the United States without having been admitted or paroled are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) but instead are subject to detention under section 1226. On January 12, 2026, the Court directed Respondents to show cause on or before January 20, 2026, why, in light of those decisions, the petition in this case should not be granted to the extent it seeks

a bond hearing, and the Court should not order that Petitioner receive a bond hearing at which the government bears the burden to demonstrate, by clear and convincing evidence, that Petitioner is a danger to the community or a flight risk and at which the immigration judge must consider non-bond alternatives to detention or, if setting a bond, Petitioner's ability to pay. (Dkt. 2). In response to the order to show cause, Respondents acknowledge that this Court's prior rulings in the identified cases concern the same or similar challenges to the government policy or practice at issue in the instant petition and would direct the same outcome in this matter entitling Petitioner to a bond hearing. (Dkt. 4). The Court agrees. Accordingly, for the same reasons be set forth in *Quitizaca Quituisaca*, 2025 WL 3264440, and *Lieogo*, 2025 WL 3290694, the petition is granted to the extent that Petitioner seeks a bond hearing, and a bond hearing shall be conducted in accordance with the following terms:

1. Petitioner shall be granted a bond hearing before an immigration judge ("IJ") on or before January 23, 2026. If Petitioner requests a continuance that results in a bond hearing date outside this deadline, such a continuance will comply with this Order as long as the new date falls within a reasonable time period.
2. At this bond hearing, the government will have the burden to demonstrate dangerousness or flight risk by clear and convincing evidence. In deciding whether the government has met its burden of proof, the IJ must consider whether less-restrictive alternatives to detention can reasonably address the government's interest in Petitioner's continued detention.
3. If the IJ finds that the government has not met its burden, then in setting any bond the IJ must consider Petitioner's ability to pay and alternative conditions of release.
4. Thus, in order to continue Petitioner's detention after any bond hearing, the IJ must find by clear and convincing evidence and make findings that no condition or combination of conditions of release can reasonably ensure Petitioner's appearance and the safety of the community—that is, even with conditions, Petitioner presents an identified and articulable risk of flight or a threat to another person or the community.
5. Respondents are directed to file a status update with the Court on or before January 27, 2026.

SO ORDERED. oD) () 0

LIZABEPH A. WOLFORD

Chief Judge United States District Court Dated: January 15, 2026 Rochester, New York -3-