

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)