

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA

Milton Alvernia Pabon v. Jeffrey Crawford, et al.

Pabon · No. 3:26CV230 (RCY) · Decided May 28, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia denied and dismissed Milton Alvernia Pabon's 28 U.S.C. § 2241 petition challenging his immigration detention and seeking release or a bond hearing. The court concluded that the petition was moot because Pabon had already received a bond hearing at which an Immigration Judge found, alternatively, that he posed a flight risk or danger to the community. The court therefore declined to decide whether his detention was authorized under 8 U.S.C. § 1225(b) or § 1226(a).

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia
WRITING FOR THE COURT	Roderick C. Young
JURISDICTION	United States District Court for the Eastern District of Virginia
DECIDED	May 28, 2026
DOCKET	3:26CV230 (RCY)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, requesting release from ICE custody or, alternatively, a bond hearing. The district court denied the petition as moot and dismissed the action.
STANDARD OF REVIEW	Under 28 U.S.C. § 2243, the court summarily hears and determines the facts and disposes of the habeas matter as law and justice require. Habeas relief is available only when the petitioner is in custody in violation of the Constitution or laws or treaties of the United States.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; nonprecedential value not stated
PARTIES	Milton Alvernia Pabon v. Jeffrey Crawford, Robert Guardian, et al.

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- immigration
- remedies

PRACTICE AREAS

immigration

federal habeas corpus

immigration detention

remedies

QUESTIONS PRESENTED

1. Whether the district court could grant release or order a new bond hearing under 28 U.S.C. § 2241 when the petitioner had already received a bond hearing at which an Immigration Judge found him to be a flight risk or danger to the community.
2. Whether the court needed to determine whether Pabon was detained under 8 U.S.C. § 1225(b) or § 1226(a).

HOLDINGS

1. When an immigration detainee has already received a bond hearing at which an Immigration Judge independently found that the detainee was a flight risk or danger to the community, the district court may not grant a new bond hearing or order release through the § 2241 petition; the detainee's remedy is to pursue the available administrative review or bond-redetermination process.
2. The court did not need to determine whether Pabon was detained under 8 U.S.C. § 1225(b) or § 1226(a) because, under either characterization, he had already received the bond-hearing relief that the court could provide.

KEY QUOTATIONS

“In short, here, because Petitioner has already received a bond hearing, the Court need not determine whether he is being held pursuant to 8 U.S.C. § 1225(b) or § 1226(a).” (Analysis)

“For the above reasons, the § 2241 Petition (ECF No. 1) will be DENIED, and this action will be DISMISSED.” (Conclusion)

FACTUAL BACKGROUND

Pabon, a native of Colombia, entered the United States in March 2023 and was encountered by Border Patrol, served with a Notice to Appear, and released on his own recognizance. He allegedly failed to report, was later arrested in New Jersey on multiple pending criminal charges, and was arrested by immigration officials on July 3, 2025. After requesting a custody redetermination, he received a bond hearing on August 21, 2025, at which the Immigration Judge found, alternatively, that he was a danger to the community and a flight risk.

PROCEDURAL HISTORY

Pabon filed a § 2241 petition challenging his immigration detention and asserting that he was not subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Respondents opposed the petition, submitting evidence that Pabon had already received a custody redetermination hearing at which an Immigration Judge found that he posed a danger to the community and was a flight risk. The district court concluded that the prior bond hearing supplied the only relief it could provide and denied and dismissed the petition as moot.

DISPOSITION

dismissed

CASES CITED

- Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)
- Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025)
- Torrence v. Lewis, 60 F.4th 209, 213 (4th Cir. 2023)
- Osbeli L. v. Green, No. 18-2579 (ES), 2018 WL 3574879, at *3 (D.N.J. July 25, 2018)
- Salinas-Rodas v. Bondi, et al., No. 1:26-cv-75 (LMB/WBP) (E.D. Va. Jan. 23, 2026), Order at 4-5
- Mathews v. Diaz, 426 U.S. 67, 81 (1976)
- Santos Garcia v. Garland, 2022 WL 989019, at *7 (E.D. Va. Mar. 31, 2022)

OPINION

Pabon

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

MILTON ALVERNIA PABON,

Petitioner, v. Civil No. 3:26CV230 (RCY) JEFFREY CRAWFORD, et al., Respondents.

MEMORANDUM OPINION

Milton Alvernia Pabon (“Petitioner”), a detainee of United States Immigration and Customs Enforcement (“ICE”), filed a Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241, challenging the lawfulness of his detention (“§ 2241 Petition,” ECF No. 1). Petitioner alleges, inter alia, that Respondents’ application of 8 U.S.C. § 1225(b)(2) to mandate his detention is without legal basis. § 2241 Pet. at 6.1 For the reasons set forth below, the § 2241 Petition will be DENIED.

I. BACKGROUND

In the § 2241 Petition, Petitioner, who is a native of Colombia, see § 2241 Pet. at 7, attests as follows: I am detained under 8 USC 1226(a). However, because of Matter of Yajure Hurtado, [29 I&N Dec. 216 (BIA 2025),] the immigration court will not give me a bond hearing because it thinks I am detained under 1225(b). But I was detained within the US and am not an applicant for admission. I have also not been convicted of or arrested for any crime that requires me to be detained. Therefore, I am not subject to mandatory detention as the government alleges. 1 The Court employs the pagination assigned by the CM/ECF docketing system. Id. at 6 (case name italicization added). Petitioner requests that the Court grant his § 2241 Petition and “order [his] release from ICE custody or, in the alternative, to order a fair bond hearing.” Id. at 8. On April 1, 2026, the Court directed Respondents Jeffrey Crawford and Robert Guardian (“Respondents”) to file a responsive pleading within thirty days. ECF No. 3 ¶ 4. On May 1, 2026, Respondents filed

an Opposition to the § 2241 Petition. ECF No. 7. In their Opposition, Respondents submitted documentation stating that Petitioner entered the United States on or around March 21, 2023, on which date the United States Border Patrol [] encountered [Petitioner] near San Luiz, A[rizona and] determined that he was in the United States illegally. [Border Patrol] agents served [Petitioner] with a Notice to Appear before an immigration judge charging him under section 212(a)(6)(A)(i) of the Immigration and Nationality Act []. [Border Patrol] released [Petitioner] on his own recognizance with instructions to report to the local ICE/ERO office. [Petitioner] failed to report. ECF No. 7-2, at 2. This document further states that, on June 3, 2025, the Paterson, New Jersey, Police Department arrested Petitioner “for the offense of Aggravated Assault- Domestic Violence, in violation of N.J.S.A. 2C:12-1B(2), Terroristic Threats, in violation of N.J.S.A. 2C:12-3B, Criminal Restraint, in violation of N.J.S.A. 2C:13-2A, and Unlawful Possession of a Weapon, in violation of N.J.S.A. 2C:39-5D.” Id. Those charges, according to Respondents, remain pending. ECF No. 7, at 2; see ECF No. 7-2, at 2. Immigration officials newly arrested Petitioner on July 3, 2025, in Paterson and transported him to a facility in Newark, New Jersey. ECF No. 7-2, at 2. After his arrest, Petitioner “requested a custody redetermination,” resulting in a bond hearing being held on August 21, 2025, at which the Immigration Judge found, as an alternative finding, that Petitioner posed a danger to the community and was a flight risk. ECF No. 7-1, at 1.2 On the basis of this evidence, Respondents assert that Petitioner is not entitled to another bond hearing. ECF No. 7, at 2. They further contend that, unlike other recent cases in which this Court has found detainees to be held pursuant to 8 U.S.C. § 1226(a), Petitioner here is indeed being held pursuant to 8 U.S.C. § 1225(b), and the § 2241 Petition should therefore be denied outright. Id. at 2–19. Pursuant to the Court’s April 1, 2026 Memorandum Order, Petitioner had fourteen days from the filing of Respondents’ Opposition to file any response. See ECF No. 3 ¶ 8. Petitioner did not file any formal brief in response but has filed a letter in which he identifies various problems he and his family members are currently facing, see ECF No. 8, as well as a collection of documents, including letters from community members who suggest that Petitioner is a caring and hardworking son and father, see ECF No. 8-1.

II. STANDARD OF REVIEW

28 U.S.C. § 2241(a) provides that “[w]rits of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions.” Id. “A federal court may grant habeas relief only on the ground that the petitioner is in custody in violation of the Constitution or laws or treaties of the United States.” *Torrence v. Lewis*, 60 F.4th 209, 213 (4th Cir. 2023) (internal citations and brackets omitted). After receiving 2 Citing Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025), the Immigration Judge first found that Petitioner is “an applicant for admission” subject to mandatory detention. See ECF No. 7-1, at 1. As discussed below, the Court does not address that finding or Respondents’ additional contentions that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). the petition and any response thereto, “[t]he court shall summarily hear and determine the facts, and dispose of the

matter as law and justice require.” 28 U.S.C. § 2243.

III. ANALYSIS

Respondents argue in their Opposition that the § 2241 Petition should be denied because Petitioner has already received a bond hearing at which the Immigration Judge found—as an alternative to the finding that Petitioner was subject to mandatory detention—that Petitioner was a danger to the community and a flight risk. ECF No. 7 at 2; ECF No. 7-1 at 1. Without addressing the Government’s arguments that Petitioner is detained pursuant to 8 U.S.C. § 1225 rather than § 1226, the Court finds that it may not grant Petitioner relief because, even if he is being held subject to § 1226, he has already received a bond hearing at which an Immigration Judge found that he was a flight risk or danger. See *Osbeli L. v. Green*, No. 18-2579 (ES), 2018 WL 3574879, at *3 (D.N.J. July 25, 2018) (“[W]here a § 1226(a) detainee was provided with a bona fide bond hearing, this Court may not grant him a new bond hearing or order his release, and the petitioner seeking review of the bond decision must instead either appeal the bond denial to the Board of Immigration Appeals or seek his release through filing a request with immigration officials for a bond redetermination.” (citation omitted)). As the Honorable Leonie M. Brinkema found earlier this year in a comparable case: Unlike many other habeas matters filed recently before this Court in which petitioners argue that they are entitled to a bond hearing, the petitioner here has already received a bond hearing after being detained by ICE. Specifically, on December 16, 2025, an Immigration Judge held a bond hearing and denied petitioner’s request for a change in custody status for two reasons: first, that the Immigration Court lacked jurisdiction in accordance with the *Matter of Yajure Hurtado*, 27 1. & N. Dec. 216 (BIA 2025), and second—and in the alternative—that “the respondent is a danger to the community given the circumstances of the 2020 arrest.” [Dkt. No. 4-1] at 14. Although the jurisdictional finding conflicts with this Court’s holdings in numerous cases, the alternate finding satisfies this Court that petitioner has received a bond hearing. Based on the Immigration Judge’s independent grounds for denying bond, Salinas-Rodas’s Petition is moot because he has already received the only relief he can obtain from this Court: a bond hearing before an Immigration Judge, who must determine whether he poses a danger to the community, and whether he is a flight risk. Because he has received this relief, Salinas-Rodas’s only recourse is to file a timely appeal of the Immigration Judge’s December 16, 2025, Order denying a bond. 8 C.F.R. § 1003.38. There is nothing further that this Court can do. See *Mathews v. Diaz*, 426 U.S. 67, 81 (1976). See also *Santos Garcia v. Garland*, 2022 WL 989019, at *7 (E.D. Va. Mar. 31, 2022). See Order at 4-5, *Salinas-Rodas v. Bondi, et al.*, No. 1:26-cv-75 (LMB/WBP) (E.D. Va. Jan. 23, 2026), ECF No. 6. In short, here, because Petitioner has already received a bond hearing, the Court need not determine whether he is being held pursuant to 8 U.S.C. § 1225(b) or § 1226(a). Indeed, in either event, Petitioner has received the relief he requested in the § 2241 Petition, which is all that this Court is able to provide in present circumstances. Accordingly, the § 2241 Petition is DENIED as MOOT.

IV. CONCLUSION

For the above reasons, the § 2241 Petition (ECF No. 1) will be DENIED, and this action will be DISMISSED. An appropriate Final Order will issue. /s/ Roderick C. Young Date: May 28, 2026
United States District Judge Richmond, Virginia

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