

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PRECEDENTIAL VALUE	unpublished district court memorandum opinion; nonprecedential value not stated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)

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