

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, NORFOLK DIVISION

David Ambrosio Rivera v. Jeffrey Crawford, et al.

Civil Action No. 2:26-cv-286 (E.D. Va. Apr. 7, 2026) · No. 2:26-cv-286 · Decided April 7, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia granted David Ambrosio Rivera’s 28 U.S.C. § 2241 petition challenging his continued immigration detention without a bond hearing. The court held that Rivera was subject to discretionary detention under 8 U.S.C. § 1226(a), rather than mandatory detention under § 1225(b)(2)(A), and ordered that he receive a bond hearing within one day.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Norfolk Division
WRITING FOR THE COURT	Ute Elizabeth W. Hanes
JURISDICTION	United States District Court for the Eastern District of Virginia, Norfolk Division
DECIDED	April 7, 2026
DOCKET	2:26-cv-286
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 petition, the filings, and the incorporated arguments to determine whether Rivera's detention was authorized by the applicable immigration detention statute and consistent with due process.
PRECEDENTIAL VALUE	Unpublished memorandum order from a federal district court; persuasive value is limited.
PARTIES	David Ambrosio Rivera v. Jeffrey Crawford, et al.

TOPICS

immigration detention

due process

procedural due process

immigration

remedies

PRACTICE AREAS

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 Rivera was entitled to a bond hearing before an Immigration Judge under 8 U.S.C. § 1226(a).
3. Whether continued detention without a bond hearing violated Rivera's due process rights.

HOLDINGS

1. Rivera was not seeking admission for purposes of 8 U.S.C. § 1225(b)(2) and instead fell within the category of noncitizens already in the country subject to discretionary detention under 8 U.S.C. § 1226(a).
2. Because 8 U.S.C. § 1226(a) governed Rivera's detention, he was entitled to a bond hearing before an Immigration Judge.
3. Rivera's 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

Rivera is a noncitizen detained by ICE at the Farmville Detention Center. He entered the United States without inspection and had been detained since September 26, 2025. He alleged that his detention was unlawful and that he had been denied a bond hearing. The Court treated the factual and legal issues as materially indistinguishable from those addressed in Duarte Escobar.

PROCEDURAL HISTORY

Rivera filed a § 2241 habeas petition alleging that his continued ICE detention was unlawful and that he was entitled to a bond hearing. The Court ordered Respondents to identify whether the factual and legal issues differed materially from those in Duarte Escobar v. Perry. Respondents stated that there was no material difference and incorporated their arguments from Duarte Escobar. The Court granted the petition and ordered a bond hearing within one day, followed by a status report within three days of the hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Rivera a bond hearing before an Immigration Judge within one day 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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division DAVID AMBROSIO RIVERA, Petitioner, v. Civil Action No. 2:26-cv-286
JEFFREY CRAWFORD, et al., Respondents. MEMORANDUM ORDER Petitioner David Ambrosio Rivera (“Petitioner”), a noncitizen and detainee of the United States Immigration and Customs Enforcement (“ICE”), filed a Petition for Writ of Habeas Corpus (“Petition”) pursuant to 28 U.S.C. § 2241, alleging that he has been unlawfully detained and denied a bond hearing under 8 U.S.C. § 1226.

Dkt. No. 1. Petitioner was taken into ICE custody on September 26, 2025, and has been detained since that time at the Farmville Detention Center. Dkt. No. 1. Petitioner asks this Court to order his release from ICE custody or, in the alternate, to order a bond hearing under 8 U.S.C. § 1226.

The Petition turns on the resolution of an issue pending throughout the courts: whether Petitioner, as a noncitizen who entered the United States without inspection is entitled to a bond hearing under 8 U.S.C. § 1226(a), or whether he is subject to mandatory detention as provided for in 8 U.S.C. § 1225(b)(2)(A). Given the apparent similarities between this case and others pending before the Court, the Court ordered Respondents to file a notice indicating whether the factual and legal issues presented in the present Petition differ in any material fashion from those presented in Duarte Escobar v. Perry, et al., 807 F. Supp. 3d 564 (E.D.

Va. 2025). In response, Respondents notified the Court that “the factual and legal issues presented in the instant habeas petition do not differ in any material fashion from those presented in Duarte Escobar” and the Respondents incorporate their arguments from that case into the record here. Dkt. No. 6; see Duarte Escobar, No. 3:25-cv-758, Dkt. No. 18. 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).

Therefore, the Court concludes that 8 U.S.C. § 1226(a) entitles Petitioner to a bond hearing before an Immigration Judge. Other jurists in this Court have previously addressed the same arguments concerning the application of 8 U.S.C. § 1226(a) in this context in cases such as Hasan v. Crawford, 800 F. Supp. 3d 641, 651-57 (E.D. Va. 2025), and the Court incorporates Hasan’s reasoning into this Order.

The Supreme Court has “long held that an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative.” *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). “But once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

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.

For these reasons, the Court will GRANT the Petition, Dkt. No. 1, and ORDER that Petitioner be provided a bond hearing pursuant to 8 U.S.C. § 1226(a) within one (1) day of this Order. Respondents are ORDERED to file a status report with this Court within three (3) days of the bond hearing, stating whether Petitioner has been granted bond, and, if his request for bond was denied, the case-specific reasons given by the Immigration Judge for that denial.

Let the Clerk of the Court send a copy of this Final Order to all counsel of record and to Petitioner at his address of record. It is SO ORDERED. /s/ Ute Elizabeth W. Hanes United States District Judge Norfolk, Virginia Date: April 7, 2026