

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, OWENSBORO DIVISION

Japhson Carrasco Calderon v. Samuel Olson, et al.

Civil Action No. 4:26-cv-66-RGJ · No. Civil Action No. 4:26-cv-66-RGJ · Decided June 5, 2026

SUMMARY

The United States District Court for the Western District of Kentucky denied Japhson Carrasco Calderon’s petition for a writ of habeas corpus challenging his immigration detention under Zadvydas v. Davis. The court concluded that Calderon had not shown that his removal was unlikely in the reasonably foreseeable future and that his detention remained within the presumptively reasonable six-month period. The court noted that Calderon could file a new petition if removal efforts later stalled or failed.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Owensboro Division
JURISDICTION	United States District Court for the Western District of Kentucky, Owensboro Division
DECIDED	June 5, 2026
DOCKET	Civil Action No. 4:26-cv-66-RGJ
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging detention under 8 U.S.C. § 1231 and Zadvydas v. Davis.
STANDARD OF REVIEW	The court applied the Zadvydas v. Davis burden-shifting framework to the habeas challenge to post-removal-order detention. A detainee must provide good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future; if that showing is made, the government must rebut it with sufficient evidence.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court opinion; precedential status is unknown in the source metadata.
PARTIES	Japhson Carrasco Calderon v. Samuel Olson, et al.

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- immigration
- due process

PRACTICE AREAS

Immigration law

Federal habeas corpus

Immigration detention

Removal proceedings

Constitutional law

QUESTIONS PRESENTED

1. Whether Calderon's detention under 8 U.S.C. § 1231 violated the constitutional limitations recognized in *Zadvydas v. Davis*.
2. Whether Calderon established good reason to believe that there was no significant likelihood of his removal in the reasonably foreseeable future.
3. Whether ICE's notice of removal, screening for removal to Mexico, and sworn declaration regarding removals to Mexico established that removal was reasonably foreseeable.

HOLDINGS

1. Calderon's approximately five-month detention remained within the presumptively reasonable six-month period recognized in *Zadvydas*, although a detainee may potentially challenge detention before six months by making the required showing.
2. Calderon failed to provide good reason to believe that there was no significant likelihood of his removal in the reasonably foreseeable future.
3. The government presented evidence supporting the conclusion that Calderon's removal was reasonably foreseeable.

KEY QUOTATIONS

“First, the noncitizen must ‘provide[] good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.’” (Discussion § II.A)

“But Calderon must ‘offer more than ‘conclusory statements’ suggesting he will not be removed.’”
(Discussion § II.B)

“Should the Government’s efforts to secure removal ultimately stall or fail to bear fruit, Petitioner remains free to file a new petition asserting that continued detention is no longer reasonable.” (Discussion § II.B)

FACTUAL BACKGROUND

Calderon, a Nicaraguan citizen, entered the United States without inspection in 2019, self-deported, and reentered without inspection in 2021. ICE arrested him on March 24, 2025, served a notice of intent to reinstate his prior removal order, and detained him after he expressed fear of return to Nicaragua. An Immigration Court granted withholding-only relief from removal to Nicaragua on December 11, 2025, but Calderon remained subject to a final removal order under 8 U.S.C. § 1231 and was screened for removal to Mexico. At the time of decision, he had been detained for approximately five months, and ICE submitted evidence that it regularly conducts third-country removals to Mexico and operates several flights per week to Mexico.

PROCEDURAL HISTORY

Calderon filed a habeas petition challenging his immigration detention. Respondents responded, Calderon replied, and the parties agreed that no evidentiary hearing was necessary. The court denied the petition, concluding that Calderon had not shown a significant likelihood that removal would not occur in the reasonably foreseeable future and that ICE had produced evidence supporting the foreseeability of removal.

DISPOSITION

writ_denied

CASES CITED

- *Zadvydas v. Davis*, 533 U.S. 690 (2001)
- *Edahi v. Lewis*, 2025 WL 3466682, at *2-3 (W.D. Ky. Nov. 27, 2025)
- *Lopez v. Raycraft*, 2026 WL 1370583, at *12 (E.D. Mich. May 15, 2026)
- *Munoz-Saucedo v. Pittman*, 789 F. Supp. 3d 387, 395-97 (D.N.J. 2025)
- *Cruz Medina v. Noem*, 794 F. Supp. 3d 365, 375 (D. Md. 2025)
- *Guerra-Castro v. Parra*, 2025 WL 1984300, at *4 (S.D. Fla. July 17, 2025)
- *Euceda v. Evans*, 2017 WL 1534197, at *4 (E.D. Va. Apr. 24, 2017)
- *Jama v. Immigration and Customs Enforcement*, 543 U.S. 335, 347 (2005)
- *Andrade v. Gonzalez*, 459 F.3d 538, 543 (5th Cir. 2006)
- *Wang v. Bondi*, 2026 WL 1113519, at *3-4 (W.D. Mich. Apr. 24, 2026)
- *Beckford v. Lynch*, 168 F. Supp. 3d 533, 539 (W.D.N.Y. 2016)
- *Abdalla v. Johnson*, 2017 WL 345731, at *4 (E.D. Mich. Jan. 24, 2017)
- *Woldeghergish v. Lynch*, 2025 WL 4648129, at *10 (S.D. Ohio Oct. 23, 2025)
- *Demore v. Kim*, 538 U.S. 510, 527 (2003)
- *Miranda v. Garland*, 34 F.4th 338, 361 (4th Cir. 2022)
- *Ahmed v. Brott*, 2015 WL 1542131, at *4 (D. Minn. Mar. 17, 2015)
- *Lin v. Warden*, 2026 WL 412115, at *2 (S.D.N.Y. Feb. 13, 2026)
- *Thai v. Hyde*, 788 F. Supp. 3d 57, 61 (D. Mass. 2025)
- *Ahmed v. United States Attorney General*, 4271704, at *2 (S.D. Ohio Aug. 29, 2017)
- *Estenor v. Holder*, 2011 WL 5572596, at *2-4 (W.D. Mich. Oct. 24, 2011)