

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Abdarahmane Dia v. Mary De Anda-Ybarra, et al.

Dia · No. CIV-26-219-SLP · Decided March 6, 2026

SUMMARY

This Report and Recommendation addresses Abdarahmane Dia’s 28 U.S.C. § 2241 challenge to his detention by U.S. Immigration and Customs Enforcement. The magistrate judge recommends granting the petition in part, concluding that 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governs the detention of a noncitizen who had entered and resided in the United States before apprehension, and recommending that Respondents provide a bond hearing within seven days or release him. The recommendation also concludes that administrative exhaustion would be futile.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Amanda L. Maxfield, United States Magistrate Judge
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	March 6, 2026
DOCKET	CIV-26-219-SLP
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention. The district judge referred the matter to a magistrate judge for initial proceedings and a report and recommendation under 28 U.S.C. § 636(b)(1)(B), (C).
STANDARD OF REVIEW	A § 2241 petitioner must show that he is in custody in violation of the Constitution, laws, or treaties of the United States. Challenges to immigration detention may be brought directly through habeas corpus. Administrative exhaustion is generally required for § 2241 relief, but exhaustion is excused when futile.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Abdarahmane Dia v. Mary De Anda-Ybarra, et al.

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QUESTIONS PRESENTED

1. Whether exhaustion of administrative remedies should be excused as futile.
2. Whether Dia's detention was governed by the mandatory-detention provision in 8 U.S.C. § 1225(b)(2)(A) or by 8 U.S.C. § 1226(a).
3. Whether Dia's detention without a bond hearing violated the Fifth Amendment Due Process Clause.

HOLDINGS

1. Exhaustion of administrative remedies was futile under the circumstances, so Dia was not required to obtain a bond redetermination hearing before seeking § 2241 relief.
2. Section 1226(a), rather than the mandatory-detention provision in § 1225(b)(2)(A), governed the detention of a noncitizen who had entered the United States and was residing there when apprehended, even if he had entered without inspection.
3. The court should decline to reach the merits of the Fifth Amendment due-process claim because the recommended statutory relief—a prompt bond hearing under § 1226(a)—adequately addressed the relief sought.

KEY QUOTATIONS

“The plain meaning of the phrase ‘seeking admission’ requires that the applicant must be presently and actively seeking lawful entry into the United States.” (Section V.B.1)

“After considering the text and statutory framework, the undersigned concludes that an alien like Petitioner is not an “applicant for admission” who is “seeking admission” under § 1225(b)(2)(A).” (Section V.B)

FACTUAL BACKGROUND

Abdarahmane Dia, a Senegalese citizen, entered the United States on or about February 23, 2024, and was detained by ICE the following day. He was placed in removal proceedings, later released on his own recognizance, and filed an asylum application. ICE redetained him on or about February 2, 2026, while his removal proceedings remained pending, asserting that he was detained under 8 U.S.C. § 1225(b)(2).

PROCEDURAL HISTORY

Dia was detained by ICE, released on his own recognizance, and later redetained while removal proceedings remained pending. He filed this § 2241 petition seeking release or a bond hearing under 8 U.S.C. § 1226(a). Respondents opposed relief, arguing that detention was mandatory under § 1225(b)(2) and that Dia had failed to

exhaust administrative remedies. The magistrate judge recommended granting the petition in part and ordering a bond hearing within seven days or release, subject to objections by March 13, 2026.

DISPOSITION

other

REMAND INSTRUCTIONS

The magistrate judge recommended that the district court grant the petition in part and order Respondents to provide Dia with an individualized bond hearing before a neutral immigration judge under 8 U.S.C. § 1226(a) within seven days, or release him if no lawful hearing occurred within that period. Respondents were also to certify compliance by filing a status report within ten days of the district court's order.

CASES CITED

- Soberanes v. Comfort, 388 F.3d 1305, 1310 (10th Cir. 2004)
- Zadvydas v. Davis, 533 U.S. 678, 687-88, 693 (2001)
- Jennings v. Rodriguez, 583 U.S. 281, 289, 306 (2018)
- Garza v. Davis, 596 F.3d 1198, 1203 (10th Cir. 2010)
- BedRoc Ltd., LLC v. United States, 541 U.S. 176, 183 (2004)
- King v. Burwell, 576 U.S. 473, 486 (2015)
- United States v. Bishop, 412 U.S. 346, 356 (1973)
- United States v. Ceballos-Martinez, 387 F.3d 1140, 1144 (10th Cir. 2004)
- TRW Inc. v. Andrews, 534 U.S. 19, 31 (2001)
- Dubin v. United States, 599 U.S. 110, 121 (2023)
- Marx v. General Revenue Corp., 568 U.S. 371, 386 (2013)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 386, 413 (2024)
- Jonathan Javier Yajure Hurtado, 29 I. & N. Dec. 216, 220, 225 n.6, 229 (BIA 2025)
- Castanon-Nava v. U.S. Department of Homeland Security, 161 F.4th 1048, 1061-62 (7th Cir. 2025)
- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)
- McCarthy v. Madigan, 503 U.S. 140, 144 (1992)
- Garrett v. Hawk, 127 F.3d 1263, 1265 (10th Cir. 1997)
- Whitmore v. Parker, 484 F. App'x 227, 231 & n.2 (10th Cir. 2012)

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