

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Antonio C. v. Noem

Antonio C. · No. 26-cv-00306 (MJD/ECW) · Decided January 22, 2026

SUMMARY

This Report and Recommendation addresses Antonio C.'s 28 U.S.C. § 2241 habeas petition challenging his detention by Immigration and Customs Enforcement. The magistrate judge recommends treating Petitioner as subject to discretionary detention under 8 U.S.C. § 1226(a), rather than mandatory detention under 8 U.S.C. § 1225(b)(2), and recommends that Respondents provide a bond hearing before an immigration judge in Minnesota within seven days of adoption or immediately release Petitioner. Objections were set for January 25, 2026, with responses due January 28, 2026.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Elizabeth Cowan Wright
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	January 22, 2026
DOCKET	26-cv-00306 (MJD/ECW)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, immediate release, or a declaration that his detention was governed by 8 U.S.C. § 1226(a) rather than mandatory detention under 8 U.S.C. § 1225(b)(2), together with a bond hearing. A magistrate judge issued this Report and Recommendation recommending that the petition be granted in part and that Respondents provide a bond hearing.
STANDARD OF REVIEW	Petitioner bears the burden of proving entitlement to habeas relief by a preponderance of the evidence.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Antonio C. v. Kristi Noem, Todd Lyons, David Easterwood

TOPICS

- immigration detention
- statutory interpretation
- removal proceedings
- declaratory judgment
- civil procedure

PRACTICE AREAS

immigration detention

habeas corpus

immigration statutory interpretation

federal civil procedure

QUESTIONS PRESENTED

1. Whether a noncitizen who has lived in the United States for more than 20 years may be treated as an applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2).
2. Whether Petitioner was instead subject to discretionary detention under 8 U.S.C. § 1226(a) and therefore entitled to a custody redetermination or bond hearing before an immigration judge.
3. Whether habeas relief should require Respondents to provide Petitioner a bond hearing in Minnesota and release him if they failed to provide the hearing within the prescribed period.

HOLDINGS

1. Section 1225(b)(2) applies only to persons who are presently seeking admission at the time of detention; a person who has resided in the United States for more than 20 years is not presently seeking admission merely because the government alleges inadmissibility or an entry without inspection.
2. Because Petitioner was not shown to be subject to mandatory detention under § 1225(b)(2), his detention falls under the discretionary detention framework of 8 U.S.C. § 1226(a), requiring a custody redetermination or bond hearing before an immigration judge.

KEY QUOTATIONS

“The Court reads 8 U.S.C. § 1225(b)(2) to apply only to persons who are “presently seeking admission at the time of their detention.”” (III. ANALYSIS)

“Courts have overwhelmingly rejected Respondents’ interpretation that section 1225(b)(2) requires the mandatory detention of all noncitizens living in the country who are ‘inadmissible’ because they entered the United States without inspection.” (III. ANALYSIS)

“The Petition be GRANTED insofar as Respondents be ordered to hold a bond hearing for Petitioner before an immigration judge in Minnesota within 7 days of an order adopting this Report and Recommendation, and, if he is not granted a bond hearing within 7 days of such an order, that Petitioner be immediately released.” (IV. RECOMMENDATION)

FACTUAL BACKGROUND

Petitioner, a citizen of Mexico, alleged that he had lived in the United States since November 2004 and had a nine-year-old United States citizen child. He alleged that he filed a VAWA I-360 petition in 2024 and received a prima facie eligibility determination from USCIS in 2025. ICE detained him on January 14, 2026, asserting that he was an applicant for admission subject to mandatory detention under 8 U.S.C. § 1225(b)(2), but Respondents provided no warrant, declaration, or other supporting evidence.

PROCEDURAL HISTORY

Antonio C. filed a § 2241 habeas petition on January 14, 2026, challenging his ICE detention. The district court ordered Respondents to answer and temporarily enjoined removal or transfer of Petitioner from the District of Minnesota. Respondents filed a response without supporting evidence, Petitioner replied, and the magistrate judge recommended granting relief by requiring a bond hearing in Minnesota within seven days after adoption of the recommendation, with release if the hearing was not provided.

DISPOSITION

other

REMAND INSTRUCTIONS

The Report and Recommendation recommends that, upon adoption, Respondents hold a bond hearing for Petitioner before an immigration judge in Minnesota within seven days. If Respondents do not provide the hearing within that period, Petitioner should be immediately released. The recommendation was subject to objections and was not itself a final order or judgment.

CASES CITED

- Diego L. v. Bondi, No. 26-CV-382 (JMB/DJF), 2026 WL 145206, at *2 (D. Minn. Jan. 20, 2026)
- Jose J.O.E. v. Bondi, 797 F. Supp. 3d 957, 965 (D. Minn. 2025)
- Mahamed C.A. v. Noem, No. 25-CV-4551 (MJD/JFD), 2025 WL 3771299, at *1-2 (D. Minn. Dec. 16, 2025)
- Mahamed C.A. v. Noem, 2025 WL 3754012 (D. Minn. Dec. 29, 2025)
- Avila v. Bondi, No. 25-3248 (8th Cir. docketed Nov. 10, 2025)
- Bidye M. v. Kandiyohi Cnty. Jail, No. 25-04791 (PAM-EMB), ECF No. 10 (D. Minn. Jan. 16, 2026)
- Abdirahmaan G. v. Noem, No. 26-34 (PAM/SGE), ECF No. 7 (D. Minn. Jan. 14, 2026)
- Beltran v. Bondi, No. 25-04604 (MJD/DTS), 2025 WL 3719856, at *3 (D. Minn. Dec. 23, 2025)
- Martin R. v. Noem, No. 26-CV-168 (JMB/LIB), 2026 WL 115024, at *2 (D. Minn. Jan. 15, 2026)