

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

S.N.H. v. Brian English, Todd M. Lyons, Kristi Noem, Pamela Bondi,
and Samuel Olson

Cause No. 3:25-CV-993 DRL-SJF (N.D. Ind. Dec. 30, 2025) · No. 3:25-CV-993 DRL-SJF · Decided December
30, 2025

SUMMARY

The United States District Court for the Northern District of Indiana granted in part S.N.H.'s 28 U.S.C. § 2241 habeas petition challenging his continued detention after an immigration judge ordered his release on bond. The court held that 8 U.S.C. § 1225(b)(2) did not apply to S.N.H. and determined that the 90-day automatic stay of the bond order under 8 C.F.R. §§ 1003.19(i)(2) and 1003.6(c) had expired. The court ordered respondents to allow S.N.H. to post the \$20,000 bond and to certify compliance after bond was posted.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Damon R. Leichty
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	December 30, 2025
DOCKET	3:25-CV-993 DRL-SJF
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and the automatic stay of an immigration judge's bond-release order.
PRECEDENTIAL VALUE	unpublished

TOPICS

- immigration detention
- removal proceedings
- administrative law
- judicial review of agency action
- due process

PRACTICE AREAS

immigration law

habeas corpus

administrative law

constitutional law

QUESTIONS PRESENTED

1. Whether the court had jurisdiction over S.N.H.'s § 2241 habeas petition despite immigration jurisdiction-stripping provisions.
2. Whether 8 U.S.C. § 1225(b)(2) authorized S.N.H.'s mandatory detention while his removal proceedings were pending.
3. Whether the automatic-stay provision in 8 C.F.R. § 1003.19(i)(2) was unlawful under due process principles or the Immigration and Nationality Act.
4. Whether S.N.H. was entitled to post bond after the regulatory automatic stay expired.

HOLDINGS

1. The district court had jurisdiction over S.N.H.'s habeas petition.
2. Section 1225(b)(2) did not apply to S.N.H.; therefore, respondents could not justify his continued detention on the ground that he was subject to mandatory detention as an applicant for admission under that provision.
3. The automatic stay of S.N.H.'s bond-release order had expired, and S.N.H. was entitled to post bond in accordance with the immigration judge's September 2, 2025 order.

KEY QUOTATIONS

“when “the Board has not acted on the custody appeal, the automatic stay shall lapse 90 days after the filing of the notice of appeal.””

“the court finds the automatic stay has expired and S.N.H. must be allowed to post bond in accordance with the immigration judge’s September 2, 2025 determination.”

FACTUAL BACKGROUND

S.N.H., a 32-year-old citizen of Pakistan, entered the United States between ports of entry on June 6, 2023, intending to seek asylum, and was later detained by DHS in New York on April 16, 2024. On September 2, 2025, an immigration judge ordered his release on a \$20,000 bond after finding that he was neither a danger to the community nor a flight risk. DHS appealed the custody determination and filed Form EOIR-43, triggering an automatic stay of the release order. The court found that the stay had expired no later than December 16, 2025, and that no further extension had been shown.

PROCEDURAL HISTORY

S.N.H. filed a § 2241 habeas petition alleging that his continued immigration detention violated federal law and the Constitution. Respondents answered and S.N.H. replied. While the petition was pending, the 90-day automatic stay triggered by DHS's appeal of the immigration judge's September 2, 2025 bond order expired, and the court ordered respondents to allow S.N.H. to post bond.

DISPOSITION

other

CASES CITED

- In re Yajure Hurtado, 29 I. & N. Dec. 216, 216 (BIA 2025)
- De Jesús Aguilar v. English, No. 3:25cv898, 2025 WL 3280219 (N.D. Ind. Nov. 25, 2025)
- Singh v. English, No. 3:25cv962, 2025 WL 3713715 (N.D. Ind. Dec. 23, 2025)
- Mejia Diaz v. Noem, No. 3:25cv960, 2025 WL 3640419 (N.D. Ind. Dec. 16, 2025)
- Castanon-Nava v. U.S. Dep't of Homeland Sec., __ F.4th __, No. 25-3050, 2025 WL 3552514, at 8-10 (7th Cir. Dec. 11, 2025)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA SOUTH BEND DIVISION S.N.H., Petitioner, v. CAUSE NO. 3:25-CV-993 DRL-SJF BRIAN ENGLISH, TODD M. LYONS, KRISTI NOEM, PAMELA BONDI, and SAMUEL OLSON, Respondents. OPINION AND ORDER Immigration detainee S.N.H., allowed to proceed pseudonymously by counsel, filed a petition under 28 U.S.C. § 2241, alleging he is unlawfully confined in violation of the laws or Constitution of the United States.

The respondents answered the petition, and S.N.H. replied. The petition is ready to be decided. S.N.H. is a 32-year-old citizen of Pakistan who arrived at the southern border of the United States on June 6, 2023, hoping to seek asylum. He was detained by the United States Department of Homeland Security (DHS) between ports of entry. He was served with a notice to appeal and was released that same day.

Before his scheduled court date, DHS summoned him to the United States Immigration and Customs Enforcement (ICE) office in New York on April 16, 2024. He was detained that day. S.N.H.'s immigration case has a complicated procedural history, which is not relevant to this petition. What is relevant is that on September 2, 2025, an immigration judge ordered S.N.H. released from detention on a \$20,000 bond, finding that he did not pose a danger to the community or present a flight risk.

The next morning, DHS appealed the bond decision and filed Form EOIR-43, invoking an automatic stay under 8 C.F.R. § 1003.19(i)(2). S.N.H. argues that an automatic stay of his release on bond, without consideration of his individualized circumstances or any way for him to appeal the stay, violates his due process rights and is ultra vires under the Immigration and Nationality Act (INA).

In answer to the petition, respondents raise jurisdictional concerns—unsurprising because the INA has several jurisdictional stripping provisions that courts must grapple with when dealing with

immigration habeas petitions.

On the merits, respondents argue that S.N.H.'s detention is valid based on a Board of Immigration Appeals (BIA) decision that came out after the bond hearing, which held that all noncitizens present in the United States without having been admitted were subject to mandatory detention under 8 U.S.C. § 1225(b)(2) while removal proceedings were ongoing. See *In re Yajure Hurtado*, 29 I. & N. Dec.

216, 216 (BIA 2025). Therefore, regardless of the bond determination, they argue that S.N.H. is validly detained as an "applicant for admission" under 8 U.S.C. § 1225(b)(2) while his removal proceedings are ongoing.

Finally, respondents argue that the automatic stay provision in 8 C.F.R. § 1003.19(i)(2) is a valid exercise of DHS's discretion. In looking first at jurisdiction, as the court must, the respondents rely on the same arguments that have been considered and rejected before as to whether § 1225(b)(2) applies to a particular petitioner.

The court adopts the same reasoning here, finds that it has jurisdiction over the petition, and concludes that § 1225(b)(2) does not apply to S.N.H. See *De Jesús Aguilar v. English*, No. 3:25cv898, 2025 WL 3280219 (N.D. Ind. Nov. 25, 2025) (Leichty, J.); see also *Singh v. English*, No. 3:25cv962, 2025 WL 3713715 (N.D. Ind. Dec. 23, 2025) (Leichty, J.); *Mejia Diaz v. Noem*, No. 3:25cv960, 2025 WL 3640419 (N.D.

Ind. Dec. 16, 2025) (Brisco, J.); see generally *Castanon-Nava v. U.S. Dep't of Homeland Sec.*, ___ F.4th ___, No. 25-3050, 2025 WL 3552514, 8-10 (7th Cir. Dec. 11, 2025) (concluding on application for a stay pending appeal that government was not likely to succeed on the merits of their argument that mandatory detention provision § 1225(b)(2)(A) applies to plaintiffs, who were noncitizens who had not been admitted and who were arrested by ICE without a warrant in the interior of the United States).

The court would then turn to the validity of the automatic stay provision under 8 C.F.R. § 1003.19, but the automatic stay period has ended for S.N.H., so the court need not reach what appears to be a moot point. The respondents do not argue the stay has been extended. When the government appeals an immigration judge's bond order, 8 C.F.R. § 1003.19(i) has two provisions to allow a stay of the bond decision and keep the noncitizen detained.

First, the BIA may grant a discretionary stay on its own motion or on motion by the government. See 8 C.F.R. § 1003.19(i)(1). Second, the regulation also allows for an automatic stay: In any case in which DHS has determined that an alien should not be released or has set a bond of \$10,000 or more, any order of the immigration judge authorizing release (on bond or otherwise) shall be stayed upon DHS's filing of a notice of intent to appeal the custody redetermination (Form EOIR-43) with the immigration court within one business day of the order, and, except as otherwise

provided in 8 CFR 1003.6(c), shall remain in abeyance pending decision of the appeal by the Board.

The decision whether or not to file Form EOIR–43 is subject to the discretion of the Secretary. 8 C.F.R. § 1003.19(i)(2). The automatic stay, in turn, is further governed by 8 C.F.R. § 1003.6(c). As relevant to S.N.H.’s case, when “the Board has not acted on the custody appeal, the automatic stay shall lapse 90 days after the filing of the notice of appeal.” 8 C.F.R. § 1003.6(c)(4).

If the BIA does not issue a decision within these 90 days, “DHS may submit a motion for discretionary stay at any time after the filing of its notice of appeal of the custody decision, and at a reasonable time before the expiration of the period of the automatic stay[.]” 8 C.F.R. § 1003.6(c)(5).

Here, the record does not reflect the date DHS filed its notice of appeal, but it had to be within 10 business days of its September 3, 2025 notice expressing the intent to appeal a custody redetermination, which triggered the automatic stay. See 8 C.F.R. § 1003.6(c)(1) Therefore, the appeal was filed at the latest on September 17, 2025, which means the 90-day automatic stay expired at the latest on December 16, 2025.

Neither party represents that DHS took further action to extend the stay, so the court finds the automatic stay has expired and S.N.H. must be allowed to post bond in accordance with the immigration judge’s September 2, 2025 determination.

For these reasons, the court GRANTS IN PART the petition for a writ of habeas corpus and ORDERS respondents to immediately allow for S.N.H. to post bond, in accordance with the immigration judge’s September 2, 2025 order.

The court further ORDERS S.N.H. to file a notice with the court when he has posted bond and respondents to certify compliance with this order by filing a notice with the court within 24 hours of when S.N.H. posts bond.

The court DIRECTS the clerk to email forthwith today a copy of this order to the Warden of the Miami Correctional Facility at the Indiana Department of Correction to secure his release upon the posting of bond. Any fee petition should be filed within the deadlines set by the Equal Access to Justice Act, 28 U.S.C. § 2412. SO ORDERED. December 30, 2025 s/ Damon R. Leichty Judge, United States District Court