

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Fulgencio B. v. Lyons

No. 26-cv-395 (ECT/DTS) (D. Minn. Jan. 22, 2026) · No. 26-cv-395 (ECT/DTS) · Decided January 22, 2026

SUMMARY

The United States District Court for the District of Minnesota grants Fulgencio B.'s petition for a writ of habeas corpus challenging his detention under 8 U.S.C. § 1225(b)(2). The court concludes that, because Fulgencio had lived in the United States for many years, he was not subject to mandatory detention under § 1225(b)(2), and that discretionary detention under § 1226(a) requires an arrest warrant. Because Respondents had not produced a warrant or identified another lawful basis for detention, the court orders his release within 48 hours.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Eric C. Tostrud
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	January 22, 2026
DOCKET	26-cv-395 (ECT/DTS)
DISPOSITION	granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, challenging his immigration detention and classification under 8 U.S.C. § 1225(b)(2) rather than § 1226. The district court granted the petition and ordered his release.
STANDARD OF REVIEW	The court resolved the habeas petition through statutory interpretation and review of the undisputed detention record; no separate standard of review was expressly stated.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Fulgencio B. v. Todd Lyons, in his capacity as Acting Director, Immigration and Customs Enforcement, Kristi Noem, Secretary, U.S. Department of Homeland Security, Pamela Bondi, U.S. Attorney General, Executive Office for Immigration Review, David Easterwood, Field Office Director of St. Paul Field Office for U.S. Department of Homeland Security, United States Immigration and Customs Enforcement, Enforcement and Removal Operations

TOPICS

immigration detention

removal proceedings

statutory interpretation

due process

remedies

PRACTICE AREAS

immigration law

habeas corpus

administrative law

constitutional law

QUESTIONS PRESENTED

1. Whether Fulgencio was improperly classified as subject to mandatory detention under 8 U.S.C. § 1225(b)(2) rather than discretionary detention under 8 U.S.C. § 1226(a).
2. Whether detention under § 1226(a) is lawful absent an arrest warrant issued by the Attorney General.
3. Whether immediate release, rather than a bond hearing or further proceedings, was the appropriate habeas remedy for detention lacking a lawful statutory predicate.

HOLDINGS

1. Because Fulgencio had been living in the United States for approximately 23 years and was not an applicant seeking admission, his detention fell under 8 U.S.C. § 1226 rather than mandatory detention under § 1225(b)(2).
2. An arrest warrant issued by the Attorney General is a necessary condition for discretionary detention under 8 U.S.C. § 1226(a); absent such a warrant, a noncitizen may not be arrested and detained under that provision.
3. Immediate release was an available and appropriate remedy because Respondents had not identified a valid statutory basis for Fulgencio's detention.

KEY QUOTATIONS

“As courts have explained, the former statute applies to applicants “seeking admission,” and the latter to “aliens already in the country.”” (at 2)

““Issuance of a warrant is a necessary condition to justify discretionary detention under section 1226(a).”” (at 4)

““[R]elease is an available and appropriate remedy” for “detention that lacks a lawful predicate.”” (at 5)

“Habeas is at its core a remedy for unlawful executive detention. The typical remedy for such detention is, of course, release.” (at 6)

FACTUAL BACKGROUND

Fulgencio B., a Mexican citizen who had lived in the United States since 2002, was arrested by alleged ICE agents in Minnesota on January 10, 2026. He had no notice to appear, had never been placed in removal proceedings, had no prior removal order, and had not voluntarily departed. He was detained at the Fort Snelling Immigration Court Detention Facility, although he was also receiving emergency medical care at a hospital. Respondents did not produce an arrest warrant preceding his detention.

PROCEDURAL HISTORY

Fulgencio filed a § 2241 petition alleging that he had been improperly classified as subject to mandatory detention under § 1225(b)(2) and denied a bond hearing. The case was consolidated with an earlier habeas case filed on his behalf. Respondents did not produce an arrest warrant or advance a specific argument against release. The court held that Fulgencio was subject to § 1226 rather than § 1225(b)(2), and ordered his release within 48 hours.

DISPOSITION

granted

CASES CITED

- Jose J.O.E. v. Bondi, 797 F. Supp. 3d 957, 961-62 (D. Minn. 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 289 (2018)
- Francisco T. v. Bondi, 797 F. Supp. 3d 970, 974-76 (D. Minn. 2025)
- Belsai D.S. v. Bondi, No. 25-cv-3682 (KMM/EMB), 2025 WL 2802947, at *6-7 (D. Minn. Oct. 1, 2025)
- Eliseo A.A. v. Olson, No. 25-cv-3381 (JWB/DJF), 2025 WL 2886729, at *2-4 (D. Minn. Oct. 8, 2025)
- Avila v. Bondi, No. 25-cv-3741 (JRT/SGE), 2025 WL 2976539, at *5-7 (D. Minn. Oct. 21, 2025)
- Andres R.E. v. Bondi, No. 25-cv-3946 (NEB/DLM), 2025 WL 3146312, at *2-3 (D. Minn. Nov. 4, 2025)
- E.M. v. Noem, 25-cv-3975 (SRN/DTS), 2025 WL 3157839, at *4-8 (D. Minn. Nov. 12, 2025)
- Santos M.C. v. Olson, No. 25-cv-4264 (PJS/DJF), 2025 WL 3281787, at *2-3 (D. Minn. Nov. 25, 2025)
- Fernando F.P.D. v. Brott, No. 25-cv-4455 (ECT/ECW), 2025 WL 3675151, at *2 (D. Minn. Dec. 17, 2025)
- Castañon-Nava v. U.S. Dep’t of Homeland Sec., 161 F.4th 1048 (7th Cir. 2025)
- Chogllo Chafila v. Scott, No. 2:25-cv-00437, 2025 WL 2688541, at *11 (D. Me. Sept. 21, 2025)
- Chiliquinga Yumbillo v. Stamper, No. 2:25-cv-00479, 2025 WL 2783642, at *5 (D. Me. Sept. 30, 2025)
- J.A.C.P. v. Wofford, No. 1:25-cv-01354, 2025 WL 3013328, at *8 (E.D. Cal. Oct. 27, 2025)
- Florida v. United States, 660 F. Supp. 3d 1239, 1276 (N.D. Fla. 2023)
- Vedat C. v. Bondi, No. 25-cv-4642 (JWB/DTS), Order on Petition for Writ of Habeas Corpus at 6 (D. Minn. Dec. 19, 2025)
- Munaf v. Geren, 553 U.S. 674, 693 (2008)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA Fulgencio B., File No. 26-cv-395 (ECT/DTS) Petitioner, v. OPINION AND ORDER Todd Lyons, in his capacity as Acting Director, Immigration and Customs Enforcement; Kristi Noem, Secretary, U.S. Department of Homeland Security; Pamela Bondi, U.S. Attorney General; Executive Office for Immigration Review; and David Easterwood, Field Office Director of St. Paul Field Office for U.S. Department

of Homeland Security, United States Immigration and Customs Enforcement, Enforcement and Removal Operations, Respondents.

Joseph D. Kantor, Guzior Maher Armbricht, Saint Paul, MN, for Petitioner Fulgencio B. Ana H. Voss and Trevor Brown, United States Attorney's Office, Minneapolis, MN, for Respondents Todd Lyons, Kristi Noem, Pamela Bondi, Executive Office for Immigration Review, and David Easterwood. Petitioner Fulgencio B. is a Mexican citizen who has lived in the United States since 2002.

Pet. [ECF No. 1] at 6, 15. Fulgencio “does not have a notice to appear document,” and he “has never been placed in removal proceedings, had any prior removal orders, or deported himself voluntarily from the United States.” *Id.* at 15.

On January 10, 2026, Fulgencio was arrested by “alleged ICE agents” in Bloomington, Minnesota. *Id.* “Over the course of more than 20 years, [Fulgencio] has not committed any crimes in the United States.” *Id.* at 16. Fulgencio is “detained at the Fort Snelling Immigration Court Detention Facility in Fort Snelling, Minnesota,” but “he is currently being treated for emergency medical care at Southdale Fairview Hospital.” *Id.* at 4.

Fulgencio challenges his detention under 28 U.S.C. § 2241. Pet. at 4. He claims he has been wrongly classified as a § 1225(b)(2) detainee (whose detention is mandatory) rather than a § 1226 detainee (whose detention is discretionary and who is entitled to a bond hearing). Pet. at 7–14; see *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 961–62 (D. Minn. 2025) (explaining legal framework).

According to Fulgencio, that misclassification and denial of a bond hearing violate his right to due process under the Fifth Amendment and 8 U.S.C. §§ 1225(b)(2) and 1226(a). See Pet. at 21–22. Fulgencio seeks a declaration that Respondents' actions violate the Fifth Amendment of the United States Constitution, 28 U.S.C. § 2241, the Administrative Procedure Act, and the Immigration and Nationality Act; issuance of a writ of habeas corpus requiring Respondents to immediately release him or provide him with a bond hearing pursuant to 8 U.S.C. § 1226(a); that Respondents be enjoined from denying his bond under 8 U.S.C. § 1225(b)(2); if an immigration judge grants a bond, an order enjoining Respondents from invoking the auto-stay provision found at 8 C.F.R. § 1003.19(i)(2) during the pendency of any bond appeal; an order enjoining his transfer out of the District of Minnesota during the pendency of his Petition; and “any other and further relief that this Court deems just and proper.” Pet. at 23.

In a short response, Respondents state that Fulgencio's petition “raises legal and factual issues similar to those in prior habeas petitions this Court has decided,” and argues that the petition fails on the merits for the same reasons set forth in the appeal of *Avila v. Bondi*, No. 25-cv-3741 (JRT/SGE), 2025 WL 2976539 (D. Minn. Oct. 21, 2025), appeal docketed, No. 25-3248 (8th Cir.

Nov. 10, 2025). See ECF No. 4 at 2. This raises an issue of statutory interpretation¹ that courts in this District have repeatedly considered and rejected, and it will be rejected here as well. Fulgencio has shown he has been misclassified under § 1225(b)(2) rather than § 1226.

As courts have explained, the former statute applies to applicants “seeking admission,” and the latter to “aliens already in the country.” 8 U.S.C. § 1225(b)(2)(A); *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) (construing 8 U.S.C. § 1226(a) and (c)); see *Francisco T. v. Bondi*, 797 F. Supp. 3d 970, 974–76 (D. Minn. 2025); *Belsai D.S. v. Bondi*, --- F. Supp. 3d ---, No. 25-cv-3682 (KMM/EMB), 2025 WL 2802947, at *6–7 (D.

Minn. Oct. 1, 2025); *Eliseo A.A. v. Olson*, --- F. Supp. 3d ---, No. 25-cv-3381 (JWB/DJF), 2025 WL 2886729, at *2–4 (D. Minn. Oct. 8, 2025); *Avila v. Bondi*, No. 25-cv-3741 (JRT/SGE), 2025 WL 2976539, at *5–7 (D. Minn. Oct. 21, 2025), appeal filed, No. 25- 3248 (8th Cir. Nov. 10, 2025); *Andres R.E. v. Bondi*, No. 25-cv-3946 (NEB/DLM), 2025 WL 3146312, at *2–3 (D.

Minn. Nov. 4, 2025); *E.M. v. Noem*, 25-cv-3975 (SRN/DTS), 2025 WL 3157839, at *4–8 (D. Minn. Nov. 12, 2025); *Santos M.C. v. Olson*, No. 25-cv- 4264 (PJS/DJF), 2025 WL 3281787, at *2–3 (D. Minn. Nov. 25, 2025). As of this writing, ¹ To the extent Respondents challenge this Court’s subject-matter jurisdiction to consider Fulgencio’s Petition by way of their response in *Avila*, consistent with previous rulings on this issue, I find that the jurisdiction-stripping provisions of § 1252(a)(5), (b)(9), and (g) do not apply to “the narrow question whether a noncitizen is subject to discretionary detention under 8 U.S.C. § 1226 or mandatory detention under § 1225(b)(2).” *Fernando F.P.D. v. Brott*, No. 25-cv-4455 (ECT/ECW), 2025 WL 3675151, at *2 (D.

Minn. Dec. 17, 2025) (citing cases). only one federal court of appeals has ruled on the question, and it reached the same conclusion. See *Castañon-Nava v. U.S. Dep’t of Homeland Sec.*, 161 F.4th 1048, (7th Cir. 2025). Fulgencio has lived in the United States for approximately 23 years. See Pet. at 15. His detention falls under § 1226 and not § 1225(b)(2). ² The final issue is the appropriate remedy.

Section 1226 provides that “[o]n a warrant issued by the Attorney General, an alien may be arrested and detained.” 8 U.S.C. § 1226(a) (emphasis added). “Issuance of a warrant is a necessary condition to justify discretionary detention under section 1226(a).” *Chogllo Chafila v. Scott*, --- F. Supp. 3d ---, No. 2:25-cv-00437, 2025 WL 2688541, at *11 (D. Me. Sep.

21, 2025), appeal filed (Nov. 7, 2025). “[I]t follows that absent a warrant a noncitizen may not be arrested and detained under section 1226(a).” *Id.* (emphasis in original); accord *Chiliquinga Yumbillo v. Stamper*, No. 2:25-cv-00479, 2025 WL 2783642, at *5 (D. Me. Sep. 30, 2025); *J.A.C.P. v. Wofford*, No. 1:25-cv-01354, 2025 WL 3013328, at *8 (E.D. Cal. Oct. 27, 2025); see also *Florida v. United States*, 660 F. Supp. 3d 1239, 1276 (N.D.

Fla. 2023) (stating § 1226 “is not even triggered unless an arrest warrant is issued” and that “[i]f [an] alien has not been arrested on a warrant, then the subsequent provisions giving the Attorney General discretion to detain or release ‘the arrested alien’ are likewise not triggered”), appeal dismissed, 2023 WL 5212561 (11th Cir. July 11, 2023).

Here, this case was consolidated with an earlier case filed on Fulgencio’s behalf, see ECF No. 8, in which Respondents were ordered to include in their Answer “[w]hether the absence of a warrant 2 Respondents do not argue that Fulgencio is subject to mandatory detention pursuant to 8 U.S.C. § 1226(c). preceding Petitioner’s arrest necessitates Petitioner’s immediate release.” See Order at 2, Fulgencio B. v. Bondi, No. 26-cv-360 (NEB/DJF) (D.

Minn. Jan. 16, 2026), ECF No. 4. Respondents have not produced a warrant in either of the consolidated cases, merely stating in both that they “acknowledge that in the absence of a warrant preceding arrest, many courts in this District conclude that release is the appropriate remedy.” See Federal Respondents’ Response at 1, Fulgencio B., No. 26-cv-360, ECF No. 6; see also ECF No. 4 at 1 (same).

Nor have Respondents advanced any specific argument that Fulgencio’s release is an unwarranted remedy. “[R]elease is an available and appropriate remedy” for “detention that lacks a lawful predicate.” Order on Petition for Writ of Habeas Corpus at 6, Vedat C. v. Bondi, No. 25-cv-4642 (JWB/DTS) (D. Minn. Dec. 19, 2025), ECF No. 9 (citing *Munaf v. Geren*, 553 U.S. 674, 693 (2008)). “Where the record shows Respondents have not identified a valid statutory basis for detention in the first place, the remedy is not to supply one through further proceedings.” *Id.*; see *Chogllo Chafla*, --- F. Supp. 3d ---, 2025 WL 2688541, at *11 (“Since the Government did not comply with the plain language of section 1226(a), [petitioners’] immediate release is justified.”); *J.A.C.P.*, 2025 WL 3013328, at *8 (same); *Chiliquinga Yumbillo*, 2025 WL 2783642, at *5 (reaching same conclusion); see also *Munaf*, 553 U.S. at 693 (“Habeas is at its core a remedy for unlawful executive detention.

The typical remedy for such detention is, of course, release.” (citation modified)).^{3 3} The resolution of this statutory-interpretation question in Fulgencio’s favor makes it unnecessary to address the Petition’s remaining grounds. ORDER Therefore, based on the foregoing, and on all the files, records, and proceedings herein, IT IS ORDERED THAT Petitioner Fulgencio B.’s Petition for Writ of Habeas Corpus [ECF No. 1] is GRANTED as follows: 1.

Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2). 2. Respondents shall release Petitioner from custody as soon as practicable, but not later than 48 hours after entry of this Order. LET JUDGMENT BE ENTERED ACCORDINGLY. Dated: January 22, 2026, at 6:02 p.m.
s/ Eric C. Tostrud Eric C. Tostrud United States District Court

