

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, NORTHERN DIVISION AT COVINGTON

Pacheco-Acosta v. Olson

Pacheco-Acosta · No. 25-186-DLB · Decided December 10, 2025

SUMMARY

The court grants Dailin Pacheco-Acosta’s 28 U.S.C. § 2241 petition challenging her detention pending immigration removal proceedings. It holds that, because she had resided in the United States for more than four years and was apprehended away from the border, her detention is governed by 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in § 1225(b)(2)(A), entitling her to request a bond hearing. The opinion also addresses the statutory text, the Laken Riley Act, agency practice, and due process.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Northern Division at Covington
WRITING FOR THE COURT	David L. Bunning
JURISDICTION	United States District Court for the Eastern District of Kentucky, Northern Division at Covington
DECIDED	December 10, 2025
DOCKET	25-186-DLB
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking release or a bond hearing.
STANDARD OF REVIEW	The court reviewed the § 2241 petition to determine whether Petitioner’s detention was authorized by the applicable immigration detention statute and violated the Fifth Amendment Due Process Clause. For the due-process claim, the court applied the three-factor balancing test from Mathews v. Eldridge.
PRECEDENTIAL VALUE	unpublished district court opinion; persuasive only outside the case

PARTIES

Dailin Pacheco-Acosta v. Samuel Olson, Kristi Noem, Pamela Bondi, U.S. Department of Homeland Security, Todd M. Lyons, James A. Daley

TOPICS

immigration detention

removal proceedings

statutory interpretation

procedural due process

immigration

PRACTICE AREAS

immigration detention

habeas corpus

removal proceedings

statutory interpretation

constitutional due process

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2)(A) or 8 U.S.C. § 1226(a) governs the detention of a noncitizen who entered the United States without inspection more than four years earlier, is already present in the country, and was apprehended away from the border while facing removal proceedings.
2. Whether detention without an individualized bond hearing violates the noncitizen's Fifth Amendment right to due process.

HOLDINGS

1. A noncitizen who has resided in the United States for years and is apprehended while already present in the country, rather than while arriving or actively seeking admission, is governed by the discretionary detention provisions of 8 U.S.C. § 1226(a), not the mandatory-detention provision in § 1225(b)(2)(A).
2. Detaining Pacheco-Acosta without an individualized bond hearing violated the Fifth Amendment Due Process Clause, and she was entitled to an individualized custody determination under § 1226(a).

KEY QUOTATIONS

"The plain language of the statutes, the overall structure, the intent of Congress, and over 30 years of agency action make clear that Section 1226(a) is the appropriate statutory framework ... for noncitizens who are already in the country and facing removal."

"Accordingly, her Petition requesting bond, or in the alternative, a hearing, is granted."

FACTUAL BACKGROUND

Dailin Pacheco-Acosta, a Venezuelan citizen, entered the United States without inspection in November 2021 and lived in the country for more than four years. DHS initially released her on her own recognizance, and she later became a derivative beneficiary of her husband's pending asylum application. DHS arrested her during an October 23, 2025 ICE check-in appointment, placed her in removal proceedings, and detained her at the Campbell County Detention Center. DHS treated her detention as mandatory under 8 U.S.C. § 1225(b)(2)(A), while Pacheco-Acosta argued that § 1226(a) applied and entitled her to request a bond hearing.

PROCEDURAL HISTORY

Pacheco-Acosta filed a § 2241 petition after DHS detained her during an October 2025 ICE check-in appointment and placed her in removal proceedings. Respondents filed responses, and Pacheco-Acosta filed a reply. The district court granted the petition and ordered her immediate release or, alternatively, a bond hearing under 8 U.S.C. § 1226(a) within seven days.

DISPOSITION

writ_granted

CASES CITED

- *Munaf v. Geren*, 553 U.S. 674, 693 (2008)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 525, 531 (2004)
- *Rasul v. Bush*, 542 U.S. 466, 483 (2004)
- *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 386, 400, 412-413 (2024)
- *Walters v. Metro Educational Enterprises, Inc.*, 519 U.S. 202, 207 (1997)
- *Roberts v. Sea-Land Services, Inc.*, 566 U.S. 93, 101 (2012)
- *Dubin v. United States*, 599 U.S. 110, 120-121 (2023)
- *Star Athletica, LLC v. Varsity Brands, Inc.*, 580 U.S. 405, 414 (2017)
- *Gustafson v. Alloyed Co., Inc.*, 513 U.S. 561, 585 (1995) (Thomas, J., dissenting)
- *Jennings v. Rodriguez*, 583 U.S. 281, 288, 298, 303 (2018)
- *Department of Homeland Security v. Regents of the University of California*, 591 U.S. 1, 22 (2020)
- *Stone v. I.N.S.*, 514 U.S. 386, 397 (1995)
- *Marx v. General Revenue Corp.*, 568 U.S. 371, 386 (2013)
- *Mathews v. Eldridge*, 424 U.S. 319, 321 (1976)
- *Olalde v. Noem et al.*, No. 1:25-cv-00168-JMD, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025)
- *Sandoval v. Acuna*, No. 6:25-cv-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025)
- *United States v. Taylor*, 596 U.S. 845, 857 (2022)
- *A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025)
- *Barrera v. Tindall*, No. 3:25-cv-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025)
- *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025)
- *Edahi v. Lewis*, No. 4:25-cv-129-RGJ, 2025 WL 3466682 (W.D. Ky. Nov. 27, 2025)
- *J.G.O. v. Francis*, No. 25-cv-7233, 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025)
- *Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025)
- *Diaz v. Marinez*, 792 F. Supp. 3d 211, 218 (D. Mass. 2025)
- *Ochoa Ochoa v. Noem*, No. 25-cv-10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025)
- *Benitez v. Francis*, 795 F. Supp. 3d 475, 488 n.7 (S.D.N.Y. Aug. 13, 2025)
- *Santos Francos v. Raycraft*, No. 2:25-cv-13188, 2025 WL 2977118 (E.D. Mich. Oct. 21, 2025)

- Navarrete v. Noem, No. 4:25-cv-157-DJH, 2025 WL 3298081 (W.D. Ky. Nov. 26, 2025)
- Gomes v. Hyde, No. 1:25-cv-11571, 2025 WL 1869299 (D. Mass. July 7, 2025)
- Marinez, 792 F. Supp. 3d 211, 221 (D. Mass. 2025)
- Selvin Adonay E.M. v. Noem et al., No. 25-cv-3975, 2025 WL 3157839 (D. Minn. Nov. 12, 2025)
- Günaydin v. Trump, No. 25-cv-01151, 2025 WL 1459154 (D. Minn. May 21, 2025)

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