

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Sahil Sahil v. Markwayne Mullin, et al.

Sahil · No. CIV-26-761-SLP · Decided May 18, 2026

SUMMARY

This Report and Recommendation addresses a noncitizen’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention. The magistrate judge concludes that 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governs the petitioner’s detention and that continued detention without a bond hearing violates due process. The recommendation is to grant the petition and order immediate release subject to prior release conditions, or alternatively require a bond hearing within five days.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Suzanne Mitchell, United States Magistrate Judge
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	May 18, 2026
DOCKET	CIV-26-761-SLP
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner's 28 U.S.C. § 2241 habeas petition challenged his immigration detention under the Immigration and Nationality Act and the Due Process Clause. The magistrate judge issued a Report and Recommendation recommending that the petition be granted and that Petitioner be immediately released, subject to the district judge's review and the parties' opportunity to object.
STANDARD OF REVIEW	A § 2241 habeas petition tests the legality of custody and warrants relief when the petitioner is in custody in violation of the Constitution or laws of the United States. The Report and Recommendation was subject to de novo review of properly objected-to portions under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).
PARTIES	Sahil Sahil v. Markwayne Mullin, et al.

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2)(A), rather than 8 U.S.C. § 1226(a), governed Petitioner's detention after he had entered the United States, been released on recognizance, and remained in removal proceedings.
2. Whether Petitioner was entitled to a prompt bond hearing under § 1226(a).
3. Whether continued detention without notice, an explanation of changed circumstances, or a hearing violated the Fifth Amendment Due Process Clause.
4. What habeas remedy was appropriate for the alleged unlawful detention and due process violation.

HOLDINGS

1. The Report and Recommendation concluded that 8 U.S.C. § 1226(a), not § 1225(b)(2)(A), governs Petitioner's detention because he had been residing in the United States and was detained during ongoing removal proceedings rather than at the threshold examination or admission stage.
2. The Report and Recommendation concluded that Petitioner was entitled to a prompt bond hearing before an immigration judge under 8 U.S.C. § 1226(a).
3. The Report and Recommendation concluded that Petitioner's continued detention without notice of the reason for re-detention, an explanation of changed circumstances, or a hearing violated his procedural due process rights under the Fifth Amendment.
4. The Report and Recommendation recommended immediate release under the same conditions as Petitioner's prior release, rather than merely directing a bond hearing; alternatively, it recommended a bond hearing within five days with the Government bearing the burden of proving by clear and convincing evidence that Petitioner is a flight risk and danger to the community.

KEY QUOTATIONS

“An application for a writ of habeas corpus “is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody.”” (at 3)

“The Fifth Amendment’s Due Process Clause forbids the Government to deprive any person of liberty” (at 7)

FACTUAL BACKGROUND

Petitioner, a citizen of India, entered the United States on August 26, 2023, without inspection or parole and was placed in removal proceedings under INA § 212(a)(6)(A)(i). ICE released him on his own recognizance on October 3, 2023, and he timely filed an asylum application that remained pending. After more than two years in the United States, he was detained following an Oklahoma Highway Patrol stop and transferred to ICE custody on March 25, 2026, without a bond hearing or notice explaining a change in circumstances.

PROCEDURAL HISTORY

Petitioner entered the United States without inspection or parole and was placed in removal proceedings. ICE initially released him on his own recognizance, but transferred him to custody in March 2026 after an Oklahoma Highway Patrol detention. He filed a § 2241 petition seeking release or, alternatively, a bond hearing. The district judge referred the matter to the magistrate judge under 28 U.S.C. § 636(b)(1)(B) and (C); the Government responded and Petitioner replied. The magistrate judge recommended immediate release, or

alternatively a prompt bond hearing, and required compliance reporting and a pre-deprivation hearing before any re-detention.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that the district court grant the habeas petition and order immediate release subject to the conditions of Petitioner's earlier release, or alternatively order a bond hearing within five days. The recommendation also called for a compliance status report within ten business days, prompt service of the order on counsel for the warden, and a prohibition on re-detention without notice and a pre-deprivation hearing before a neutral decision-maker.