

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA

Marvin DeJesus Salinas Rodas v. Jeffrey Crawford, et al.

Salinas Rodas · No. 3:26cv289 (DJN) · Decided May 4, 2026

SUMMARY

The Eastern District of Virginia dismissed Marvin DeJesus Salinas Rodas’s 28 U.S.C. § 2241 petition challenging his immigration detention and seeking a bond hearing. The court relied on an earlier decision finding that he had already received a bond hearing and further concluded that the petition was subject to dismissal as an abuse of the writ.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia
WRITING FOR THE COURT	David J. Novak
JURISDICTION	United States District Court for the Eastern District of Virginia
DECIDED	May 4, 2026
DOCKET	3:26cv289 (DJN)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 by a detained noncitizen, dismissed after the court determined that the petitioner had previously litigated substantially the same bond-hearing claim and had already received a bond hearing.
STANDARD OF REVIEW	Abuse-of-the-writ review of a successive federal habeas petition; the court also applied mootness principles to the request for a bond hearing.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Marvin DeJesus Salinas Rodas v. Jeffrey Crawford, et al.

TOPICS

- [federal habeas corpus](#) [immigration detention](#) [successive petitions](#) [post-conviction relief](#) [immigration](#)

PRACTICE AREAS

- [immigration](#) [federal habeas corpus](#) [post-conviction relief](#) [civil procedure](#)

QUESTIONS PRESENTED

1. Whether the § 2241 petition should be dismissed because the petitioner had already received a bond hearing and therefore could not obtain the requested relief.
2. Whether the petition should be dismissed as an abuse of the writ because the claims had been raised and adjudicated in an earlier habeas petition.
3. Whether the petitioner demonstrated that the ends of justice warranted reconsideration of the claims.

HOLDINGS

1. The petition was subject to dismissal because the petitioner had already received a bond hearing before an Immigration Judge, which was the only relief the court could provide, and the independent danger-to-the-community finding meant that further relief was unavailable from this court.
2. The court dismissed the § 2241 petition as an abuse of the writ because the petitioner had raised and litigated the same claims in an earlier petition and had not shown that the ends of justice required reconsideration.

KEY QUOTATIONS

“Based on the Immigration Judge’s independent grounds for denying bond, Salinas-Rodas’s Petition is moot because he has already received the only relief he can obtain from this Court: a bond hearing before an Immigration Judge, who must determine whether he poses a danger to the community, and whether he is a flight risk.” (ECF No. 5-1 at 4-5)

“Under the abuse of the writ doctrine, a federal habeas court “could decline to hear a claim that was both raised and adjudicated in an earlier petition.”” (Memorandum Opinion)

“Nevertheless, “[e]ven if the same ground was rejected on the merits on a prior application, it is open to the applicant to show that the ends of justice would be served by permitting the redetermination of the ground.”” (Memorandum Opinion)

FACTUAL BACKGROUND

Marvin DeJesus Salinas Rodas, a native and citizen of El Salvador, was detained by immigration authorities and filed a § 2241 petition challenging the denial of a bond hearing. He had previously received a bond hearing on December 16, 2025, at which an Immigration Judge denied a change in custody status based on the jurisdictional view expressed in *Matter of Yajure Hurtado* and, independently, a finding that he posed a danger to the community based on the circumstances of a 2020 arrest. Salinas Rodas filed the present petition without disclosing his earlier similar petition.

PROCEDURAL HISTORY

Salinas Rodas filed a § 2241 petition asserting that he was improperly denied a bond hearing because the immigration court treated him as detained under 8 U.S.C. § 1225(b) rather than § 1226(a). He had previously filed a similar § 2241 petition in the Alexandria Division, which was denied after the court found that he had already received a bond hearing and that an independent danger-to-the-community finding made the requested

relief unavailable. The present court dismissed the petition both for the reasons stated in the earlier decision and as an abuse of the writ.

DISPOSITION

dismissed

CASES CITED

- Matter of Yajure Hurtado, 27 I. & N. Dec. 216 (BIA 2025)
- Mathews v. Diaz, 426 U.S. 67, 81 (1976)
- Santos Garcia v. Garland, 2022 WL 989019, at *7 (E.D. Va. Mar. 31, 2022)
- McCleskey v. Zant, 499 U.S. 467, 479-88, 489 (1991)
- Stanko v. Davis, 617 F.3d 1262, 1270 (10th Cir. 2010)
- Sanders v. United States, 373 U.S. 1, 11-12, 16 (1963)

OPINION

Rodas

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA May 4, 2026

Richmond Division CLERK, U.S. DISTRICT COURT

MARVIN DEJESUS SALINAS RODAS,

Petitioner, V. Civil No. 3:26cv289 (DJN) JEFFREY CRAWFORD, ef al., Respondents.

MEMORANDUM OPINION

Marvin DeJesus Salinas Rodas, a federal detainee proceeding pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 (“§ 2241 Petition,” ECF No. 1). Salinas Rodas is a native and citizen of El Salvador. (ECF No. 5-1 at 1).! Salinas Rodas contends that: I am detained under 8 U.S.C. 1226(a). However, because of Matter of Yajure Hurtado, the immigration court will not give me a bond hearing because it thinks I am detained under 1225(b). But I was detained within the US and am not an applicant for admission. I have also not been convicted of or arrested for any crime that requires me to be detained. Therefore, I am not subject to mandatory detention as the government alleges. (ECF No. 1 at 6.) Salinas Rodas also argues that he is not a flight risk or a danger to the community. (/d. at 7-8.) Salinas Rodas further swears he has not “filed any other petition, application or motion about the issues raised in this petition.” (ECF No. 1 at 6.) This statement proves untrue. As Respondents note, earlier this year, Salinas Rodas filed a similar 28 U.S.C. § 2241 petition in the Alexandria Division of this Court. (ECF No. 5 at 1-2.) The Court employs the pagination assigned to the parties’ submissions by the CM/ECF docketing system. The Court corrects the capitalization, punctuation and spelling in the quotations from the parties’ submissions. In denying that petition, the Honorable Leonie M. Brinkema, United States District

Judge, stated, in pertinent part: Unlike many other habeas matters filed recently before this Court in which petitioners argue that they are entitled to a bond hearing, the petitioner here has already received a bond hearing after being detained by ICE. Specifically, on December 16, 2025, an Immigration Judge held a bond hearing and denied petitioner's request for a change in custody status for two reasons: first, that the Immigration Court lacked jurisdiction in accordance with the Matter of Yajure Hurtado, 27 1. & N. Dec. 216 (BIA 2025), and second — and in the alternative — that “the respondent is a danger to the community given the circumstances of the 2020 arrest.” [Dkt. No. 4-1] at 14. Although the jurisdictional finding conflicts with this Court's holdings in numerous cases, the alternate finding satisfies this Court that petitioner has received a bond hearing. Based on the Immigration Judge's independent grounds for denying bond, Salinas-Rodas's Petition is moot because he has already received the only relief he can obtain from this Court: a bond hearing before an Immigration Judge, who must determine whether he poses a danger to the community, and whether he is a flight risk. Because he has received this relief, Salinas-Rodas's only recourse is to file a timely appeal of the Immigration Judge's December 16, 2025, Order denying a bond. 8 C.F.R. § 1003.38. There is nothing further that this Court can do. See Mathews v. Diaz, 426 U.S. 67, 81 (1976). See also Santos Garcia v. Garland, 2022 WL 989019, at *7 (E.D. Va. Mar. 31, 2022). For all the reasons stated above, it is hereby ORDERED that Salinas-Rodas's Petition, [Dkt. No. 1], be and is DENIED. (ECF No. 5-1 at 4-5 (footnote omitted).) Accordingly, Salinas-Rodas's § 2241 Petition (ECF No. 1) will be DISMISSED for the reasons stated by Judge Brinkema. Additionally, the Court notes that Petitioner's § 2241 Petition also is subject to dismissal as an abuse of the writ. Long before the enactment of the Antiterrorism and Effective Death Penalty Act, the Supreme Court developed the doctrine of abuse of the writ, which limited the review of second or successive habeas applications. See McCleskey v. Zant, 499 U.S. 467, 479- 88 (1991) (describing the evolution of the doctrine). Under the abuse of the writ doctrine, a federal habeas court “could decline to hear a claim that was both raised and adjudicated in an earlier petition.” Stanko v. Davis, 617 F.3d 1262, 1270 (10th Cir. 2010) (citing Sanders v. United States, 373 U.S. 1, 11-12 (1963)). In the abuse of the writ context, a habeas petitioner's claims “may be considered the same even when supported by different legal arguments.” *Jd.* (citing Sanders, 373 U.S. at 16). Nevertheless, “[e]ven if the same ground was rejected on the merits on a prior application, it is open to the applicant to show that the ends of justice would be served by permitting the redetermination of the ground.” Sanders, 373 U.S. at 16.2 Neither Salinas Rodas nor the record indicate that the ends of justice would be served by reviewing his claims. The § 2241 Petition (ECF No. 1) will be DENIED. The action will be DISMISSED. An appropriate Final Order will accompany this Memorandum Opinion. Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Petitioner. /s/ (David J. Novak United States District Judge Alexandria, Virginia Dated: May 4, 2026 2 Additionally, the Supreme Court barred new claims under the abuse of the writ doctrine when those new claims could have been raised in an earlier application but were not. McCleskey, 499 U.S. at 489.

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-virginia-united-states-district-court-for-t/2026/marvin-dejesus-salinas-rodas-v-jeffrey-crawford-et-al-grlsi0qo>