

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Weckenson Bail v. Philip Rhoney, in his official capacity as Acting Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al.

Bail · No. 1:26-CV-01235-EAW · Decided June 23, 2026

SUMMARY

The United States District Court for the Western District of New York grants an immigration detainee’s habeas petition to the extent it seeks a bond hearing. The Court requires an immigration judge to conduct the hearing by June 30, 2026, places the burden on the government to prove dangerousness or flight risk by clear and convincing evidence, and requires consideration of less-restrictive alternatives and the petitioner’s ability to pay.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Elizabeth A. Wolford
JURISDICTION	United States District Court for the Western District of New York
DECIDED	June 23, 2026
DOCKET	1:26-CV-01235-EAW
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging his civil immigration detention and requesting a bond hearing. After ordering Respondents to show cause, the court granted the petition to the extent it sought a bond hearing.
STANDARD OF REVIEW	The court applied the Mathews v. Eldridge balancing test to determine the procedural protections required at the bond hearing.
PRECEDENTIAL VALUE	unknown
PARTIES	Weckenson Bail v. Philip Rhoney, in his official capacity as Acting Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al.

TOPICS

immigration detention

removal proceedings

procedural due process

due process

immigration

PRACTICE AREAS

immigration

constitutional law

civil rights

habeas corpus

remedies

QUESTIONS PRESENTED

1. Whether Petitioner was entitled under 8 U.S.C. § 1226(a) and due process principles to a bond hearing rather than continued detention under 8 U.S.C. § 1225(b)(2).
2. What burden of proof and procedural requirements govern the bond hearing.
3. Whether the government must prove dangerousness or flight risk by clear and convincing evidence and whether the immigration judge must consider less-restrictive alternatives and Petitioner's ability to pay.

HOLDINGS

1. Petitioner was entitled to a bond hearing before an immigration judge because the applicable detention authority was 8 U.S.C. § 1226(a), rather than mandatory detention under 8 U.S.C. § 1225(b)(2).
2. To continue Petitioner's detention after the bond hearing, the government must prove dangerousness or flight risk by clear and convincing evidence.
3. The immigration judge must consider less-restrictive alternatives to detention when evaluating the government's proof, and, if setting bond, must consider Petitioner's ability to pay and alternative conditions of release. Continued detention requires findings that no condition or combination of conditions can reasonably ensure Petitioner's appearance and community safety.

KEY QUOTATIONS

"After considering the balancing test set forth in Mathews v. Eldridge, 424 U.S. 319 (1976), the Court concludes that the government shall have the burden to demonstrate dangerousness or flight risk by clear and convincing evidence." (at 2)

"Thus, in order to continue Petitioner's detention after any bond hearing, the IJ must find by clear and convincing evidence and make findings that no condition or combination of conditions of release can reasonably ensure Petitioner's appearance and the safety of the community" (at 2-3)

FACTUAL BACKGROUND

Petitioner is a civil immigration detainee held in ICE custody at the Buffalo Federal Detention Facility in Batavia, New York, pending removal proceedings. He challenged the statutory basis and constitutionality of his continued detention. The opinion indicates that Respondents accepted that the circumstances implicated the same government detention policy or practice addressed in prior decisions requiring a bond hearing.

PROCEDURAL HISTORY

Weckenson Bail filed a § 2241 petition alleging unconstitutional detention pending removal proceedings. The court issued an order to show cause, Respondents acknowledged that controlling or persuasive decisions

required the same result, and Respondents' brief motion for an extension was granted. The court ordered an immigration-judge bond hearing subject to specified procedures and required a status update.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The court directed that an immigration judge conduct a bond hearing on or before June 30, 2026, subject to a reasonable extension if requested by Petitioner; Respondents must file a status update by July 2, 2026.

CASES CITED

- da Cunha v. Freden, 175 F.4th 61 (2d Cir. 2026)
- Ivonin v. Rhoney, No. 6:25-CV-06673 EAW, 2026 WL 199283 (W.D.N.Y. Jan. 26, 2026)
- Ab-Rahim v. Marich, No. 6:26-CV-06005-EAW, 2026 WL 279113, at *1 (W.D.N.Y. Feb. 3, 2026)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Lieogo v. Freden, No. 6:25-CV-06615 EAW, 2025 WL 3290694, at *4-6 (W.D.N.Y. Nov. 26, 2025)