

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Ricardo de Jesus Cisneros v. Kristi Noem, et al.

No. 2:25-cv-1170-HCN (D. Utah Feb. 12, 2026) · No. 2:25-cv-1170-HCN · Decided February 12, 2026

SUMMARY

The United States District Court for the District of Utah denies Ricardo de Jesus Cisneros’s petition for a writ of habeas corpus challenging his detention during removal proceedings. The court holds that 8 U.S.C. § 1225(b)(2)(A) mandates his detention because he is an applicant for admission who was not inspected or admitted, and therefore does not require a bond hearing. The court also rejects his due process challenge, concluding that detention pending completion of removal proceedings is constitutionally permissible under the circumstances presented.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	Howard C. Nielson, Jr.
JURISDICTION	United States District Court for the District of Utah
DECIDED	February 12, 2026
DOCKET	2:25-cv-1170-HCN
DISPOSITION	denied
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 independently reviewed the legality and constitutionality of petitioner's custody under 28 U.S.C. § 2241; petitioner bore the burden of showing that no law authorized his detention or that the authorizing law was unconstitutional.
PRECEDENTIAL VALUE	District court memorandum decision; persuasive but not binding outside the case.
PARTIES	Ricardo de Jesus Cisneros v. Kristi Noem, et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- statutory interpretation
- due process

PRACTICE AREAS

immigration law

habeas corpus

immigration detention

statutory interpretation

constitutional law

QUESTIONS PRESENTED

1. Whether Cisneros was detained under 8 U.S.C. § 1226(a), entitling him to a bond hearing, or under 8 U.S.C. § 1225(b)(2)(A), which requires detention of an applicant for admission pending removal proceedings.
2. Whether 8 U.S.C. §§ 1252(a)(5) and 1252(b)(9) deprived the district court of jurisdiction to review Cisneros's detention.
3. Whether mandatory detention under 8 U.S.C. § 1225(b)(2)(A), without an individualized bond hearing, violated the Due Process Clause.

HOLDINGS

1. An alien present in the United States who was never inspected or authorized to enter is an applicant for admission under 8 U.S.C. § 1225(a)(1). Such an alien is also an alien seeking admission under § 1225(b)(2)(A), which requires detention during removal proceedings when the alien is not clearly and beyond a doubt entitled to admission.
2. The jurisdiction-stripping provisions of 8 U.S.C. §§ 1252(a)(5) and 1252(b)(9) do not bar judicial review of a challenge to detention pending removal proceedings when the petitioner is not challenging a final removal order.
3. Under the circumstances presented, mandatory detention under § 1225(b)(2)(A) pending completion of removal proceedings, without an individualized bond hearing, did not violate due process.

KEY QUOTATIONS

“This statute thus requires his detention while his removal proceedings are pending.” (at 5)

“The court has little doubt that under the precedents, detention pending a final removal decision comports with due process.” (at 12)

“For the foregoing reasons, Docket Number 1, Mr. Cisneros’s Verified Petition for Habeas Corpus, is DENIED.” (at 13)

FACTUAL BACKGROUND

Ricardo de Jesus Cisneros is a Mexican citizen who entered the United States in 2004 without inspection or authorization. ICE arrested him on December 30, 2025, and detained him first in Utah and later in Nevada. He remained detained while removal proceedings were pending and sought release or a bond hearing.

PROCEDURAL HISTORY

Cisneros was arrested and detained by Immigration and Customs Enforcement while removal proceedings were pending. He petitioned the district court for habeas relief, arguing that his detention was governed by 8 U.S.C. §

1226(a), which would entitle him to a bond hearing, and alternatively that detention without such a hearing violated due process. The district court denied the habeas petition and denied as moot his request for expedited consideration.

DISPOSITION

denied

CASES CITED

- Preiser v. Rodriguez, 411 U.S. 475, 484, 486 (1973)
- Nunez v. Carter, No. 22-cv-1261-CNS, 2022 WL 17416658, at *1 (D. Colo. Dec. 5, 2022)
- Espinoza v. Sabol, 558 F.3d 83, 89 (1st Cir. 2009)
- Mukantagara v. United States Department of Homeland Security, 67 F.4th 1113, 1116 (10th Cir. 2023)
- Jennings v. Rodriguez, 583 U.S. 281, 287, 294-95 (2018)
- United States v. Pauldino, 443 F.2d 1108, 1112 (10th Cir. 1971)
- Buenrostro-Mendez v. Bondi, 2026 WL 323330, at *1, *7-*9 (5th Cir. Feb. 6, 2026)
- Barton v. Barr, 590 U.S. 222, 239 (2020)
- Hing Sum v. Holder, 602 F.3d 1092, 1099-1100 (9th Cir. 2010)
- Torres v. Barr, 976 F.3d 918, 928 (9th Cir. 2020) (en banc)
- National Association of Home Builders v. Defenders of Wildlife, 551 U.S. 644, 659 (2007)
- West Virginia v. EPA, 597 U.S. 697, 723-25, 732, 742 n.3 (2022)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 402, 413 (2024)
- Epic Systems Corp. v. Lewis, 584 U.S. 497, 523 (2018)
- Lewis v. City of Chicago, 560 U.S. 205, 217 (2010)
- Timmons v. White, 314 F.3d 1229, 1235 (10th Cir. 2003)
- Zadvydas v. Davis, 533 U.S. 678, 684-86, 690-91, 693, 701 (2001)
- Mathews v. Eldridge, 424 U.S. 319, 332-33 (1976)
- Demore v. Kim, 538 U.S. 510, 529, 531-33 (2003)
- Banyee v. Garland, 115 F.4th 928, 932-33 (8th Cir. 2024)