

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Carlos Roldan Chang v. Kristi Noem, et al.

Chang · No. 4:26CV3019 · Decided January 27, 2026

SUMMARY

The United States District Court for the District of Nebraska issues an order to show cause in Carlos Roldan Chang’s habeas corpus and preliminary-injunctive-relief proceeding concerning his immigration detention. The Court requires Respondents to certify the cause of detention and show cause within three business days, permits a prompt reply and hearing, and prohibits removal of Chang from the United States or the District of Nebraska pending further order.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Susan M. Bazis
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	January 27, 2026
DOCKET	4:26CV3019
DISPOSITION	other
PROCEDURAL POSTURE	The petitioner filed a complaint seeking preliminary injunctive relief and a verified petition for a writ of habeas corpus challenging his immigration detention and seeking immediate release or a bond hearing. The court issued an order to show cause, directed service, established an expedited response schedule, and temporarily barred removal pending further order.
STANDARD OF REVIEW	Under 28 U.S.C. § 2243, the court must issue a writ of habeas corpus or an order to show cause unless it appears from the application that the petitioner is not entitled to relief. At this preliminary stage, the court considered whether the face of the petition conclusively demonstrated that the petitioner was not entitled to relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Carlos Roldan Chang v. Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security, Pamela Bondi, in her official capacity as Attorney General of the United States, Todd M. Lyons, in his official capacity as Acting

Director of the United States Immigration and Customs Enforcement, David Easterwood, in his official capacity as Acting St. Paul Field Office Director for Enforcement and Removal Operations, United States Immigration and Customs Enforcement, Warden of McCook Detention Center, in his official capacity

TOPICS

federal habeas corpus

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PRACTICE AREAS

Immigration

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Immigration detention

Removal proceedings

Preliminary injunctive relief

QUESTIONS PRESENTED

1. Whether the face of Chang's habeas petition established that he was not entitled to relief such that the court could decline to issue an order to show cause under 28 U.S.C. § 2243.
2. Whether the court should require respondents to certify the true cause of Chang's detention and show cause why the writ should not be granted.
3. Whether the court should temporarily prohibit Chang's removal from the United States or the District of Nebraska to preserve the status quo and the court's jurisdiction while adjudicating the habeas petition.

HOLDINGS

1. Because the court could not conclude from the face of Chang's petition that he was not entitled to habeas relief, the court was required to issue an order to show cause and require respondents to respond regarding the legality and cause of his detention.
2. The court could temporarily prohibit respondents from removing Chang from the United States or the District of Nebraska in order to preserve the status quo and the court's jurisdiction until further order.

KEY QUOTATIONS

"The Court cannot say from the face of the petition that Roldan Chang is not entitled to relief."

"Respondents shall not remove Petitioner from the United States or the District of Nebraska until further order of the Court."

FACTUAL BACKGROUND

Carlos Roldan Chang, a Guatemalan citizen who had lived in the United States since 2005, alleged that he was arrested in Polk County, Iowa, and detained by federal immigration authorities on December 3, 2025. The Department of Homeland Security initiated removal proceedings the same day, and an immigration judge denied his request for bond, stating that she lacked jurisdiction to issue a bond. Chang was held at the ICE McCook Detention Center in Nebraska and alleged that his detention was unlawful.

PROCEDURAL HISTORY

The Department of Homeland Security initiated removal proceedings against Chang after his arrest and detention. An immigration judge denied his request for release on bond, concluding that she lacked jurisdiction to issue a bond. Chang then filed this habeas action in the District of Nebraska, where he was detained. The court found that the face of the petition did not establish that Chang was not entitled to relief, ordered respondents to show cause, and preserved the status quo by temporarily prohibiting removal.

DISPOSITION

other

CASES CITED

- Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025)
- A.A.R.P. v. Trump, 145 S. Ct. 1364, 1368 (2025)

OPINION

Chang

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

CARLOS ROLDAN CHANG,

Petitioner, 4:26CV3019 vs.

ORDER TO SHOW CAUSE

KRISTI NOEM, in their official capacity as Secretary of the United States Department of Homeland Security; PAMELA BONDI, in their official capacity as Attorney General of the United States; TODD M. LYONS, in their official capacity as Acting Director of the United States Immigration and Customs Enforcement; DAVID EASTERWOOD, in their official capacity as Acting St. Paul Field Office Director for Enforcement and Removal Operations, United States Immigration and Customs Enforcement; and WARDEN OF MCCOOK DETENTION CENTER, in their official capacity; Respondents. This matter is before the Court on petitioner Carlos Roldan Chang's Complaint for Preliminary Injunctive Relief; Verified Petition for Writ of Habeas Corpus (Filing No. 1). Roldan Chang, a Guatemalan citizen who has lived in the United States since 2005, alleges he was arrested in Polk County, Iowa and detained by Respondents on December 3, 2025.1 (Filing No. 1 at 2). The Department of Homeland Security (DHS) initiated removal proceedings against 1 Roldan Chang was "interviewed" by "[Immigration and Customs Enforcement] (ICE) agents at the Polk County Jail" on November 25, 2025. (Filing No. 1 at 7). him the same day. (Filing No. 1 at 2; Filing No. 1-2); see 8 U.S.C. § 1229. An immigration judge denied Roldan Chang's request to be released on bond during the pendency of those proceedings, reasoning that she had "no jurisdiction to issue a bond." (Filing No. 1-4 at 1); see Matter of Yajure Hurtado, 29 I.

& N. Dec. 216 (BIA 2025). Roldan Chang is being held at the ICE McCook Detention Center in McCook, Nebraska. (Filing No. 1 at 6). Roldan Chang alleges that his detention is unlawful. He seeks immediate release or, in the alternative, an order directing Respondents to provide him with a bond hearing within seven days. (Filing No. 1 at 25). The habeas statute provides that a court must grant the petition for a writ of habeas corpus or order Respondents to “show cause why the writ should not be granted unless it appears from the application that [Roldan Chang] is not entitled” to relief. 28 U.S.C. § 2243. The order to show cause must be “directed to the person having custody of [Roldan Chang].” Id. The show cause order must “be returned within three days” unless “good cause for additional time, not to exceed twenty days, is allowed.” Id. Moreover, the person to whom the order is directed “shall make a return certifying the true cause of [Roldan Chang’s] detention.” Id. The Court cannot say from the face of the petition that Roldan Chang is not entitled to relief. Accordingly, the Court orders Roldan Chang to serve his petition and a copy of this Order on Respondents and file proof of service with the Court. Respondents shall then show cause why the writ should not be granted. After Roldan Chang replies, the Court will set a hearing on the matter. The Court finds the need to serve Respondents and the complexity of the legal issues constitute good cause for the briefing schedule to the extent it allows a response beyond the three days ordinarily allowed under 28 U.S.C. § 2243. Further, the Court finds cause to preserve the status quo and the Court’s jurisdiction by ordering that Roldan Chang may not be removed from the United States or the District of Nebraska until further order of this Court. See 28 U.S.C. § 1651; *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1368

(2025) (“grant[ing] temporary injunctive relief” against removal “to preserve our jurisdiction” while adjudicating the merits). Accordingly, IT IS ORDERED:

1. Petitioner Carlos Roldan Chang shall serve his Petition for Writ of Habeas Corpus (Filing No. 1) and a copy of this Order on Respondents as soon as is practicable, and file proof of such service with the Court.
2. Respondents shall, within three business days of being served, make a return certifying the true cause of Petitioner’s detention and showing cause why the writ should not be granted.
3. Petitioner shall reply in support of his petition within three business days of the Respondents’ return.
4. The Court will then set a prompt hearing on this matter.
5. Respondents shall not remove Petitioner from the United States or the District of Nebraska until further order of the Court. Dated this 27th day of January, 2026. BY THE COURT:
Susan M. Bazis United States District Judge