

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

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

Ivonin · No. 6:25-CV-06673 EAW · Decided January 26, 2026

SUMMARY

The United States District Court for the Western District of New York granted Roland Ivonin’s 28 U.S.C. § 2241 petition to the extent that respondents must provide him with a bond hearing before an immigration judge. The court held that, after the expiration of Ivonin’s parole and his continued presence in the United States, his detention was governed by 8 U.S.C. § 1226 rather than the mandatory-detention provisions of § 1225(b)(2). The court denied respondents’ motion to dismiss and required the bond hearing to apply a clear-and-convincing-evidence standard for dangerousness or flight risk.

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	January 26, 2026
DOCKET	6:25-CV-06673 EAW
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging his immigration detention without a bond hearing. Respondents moved to dismiss for lack of jurisdiction and on the merits.
STANDARD OF REVIEW	The Court reviewed the § 2241 detention challenge and jurisdictional arguments as matters of law. The opinion does not identify a separately stated standard of review for the motion to dismiss.
PRECEDENTIAL VALUE	unpublished district court decision

PARTIES

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

TOPICS

immigration detention removal proceedings motions to dismiss statutory interpretation
procedural due process

PRACTICE AREAS

immigration law habeas corpus federal civil procedure statutory interpretation constitutional law

QUESTIONS PRESENTED

1. Whether 8 U.S.C. §§ 1252(g) and 1252(b)(9) deprived the district court of jurisdiction over Ivonin's § 2241 challenge to his detention.
2. Whether a noncitizen who was previously paroled into the United States, remained in the country after parole expired, and was later apprehended is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) or discretionary detention under § 1226(a).
3. Whether Ivonin was entitled to a bond hearing and, if so, what burden and procedures governed that hearing.

HOLDINGS

1. The district court has jurisdiction over Ivonin's § 2241 petition notwithstanding 8 U.S.C. §§ 1252(g) and 1252(b)(9).
2. A noncitizen who was paroled into the United States, remained in the country after parole expired, and was later apprehended pursuant to an independent re-arrest is detained under the discretionary detention scheme of 8 U.S.C. § 1226(a), not the mandatory detention provision of § 1225(b)(2).
3. Because Ivonin's detention is governed by § 1226(a), he is entitled to a bond hearing before an immigration judge.
4. To continue Ivonin's detention after the bond hearing, the government must prove by clear and convincing evidence that no condition or combination of conditions can reasonably assure his appearance and community safety; the immigration judge must consider less-restrictive alternatives, ability to pay, and alternative release conditions.

KEY QUOTATIONS

“Once Ivonin’s parole expired and he remained in the United States, with no action by the government to remove him or otherwise take him into custody, the legal fiction treating him as at the threshold of entry no longer applied.” (Analysis § B)

“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” (Order ¶ 4)

FACTUAL BACKGROUND

Ivonin, a Ukrainian national, was admitted to the United States on a visa in 2008 and later applied for asylum. His removal proceedings were administratively closed in 2016. After returning to the United States in 2017, he was placed on advance parole through November 18, 2018; he remained in the United States after parole expired. ICE detained him on November 14, 2025, and held him without a bond hearing, initially treating him as someone admitted to the United States and later issuing a superseding Notice to Appear identifying him as an arriving alien.

PROCEDURAL HISTORY

Ivonin was detained by ICE on November 14, 2025, and filed a § 2241 petition on November 18, 2025. The Court temporarily enjoined his transfer outside the district, ordered briefing, heard oral argument on December 18, 2025, and considered supplemental submissions. The Court denied Respondents' motion to dismiss and granted the petition to the extent that it required a bond hearing before an immigration judge.

DISPOSITION

other

REMAND INSTRUCTIONS

Respondents must provide Ivonin a bond hearing before an immigration judge on or before February 5, 2026, subject to a reasonable continuance requested by Ivonin. The government must bear the clear-and-convincing-evidence burden regarding dangerousness or flight risk, and the immigration judge must consider less restrictive alternatives, ability to pay, and alternative conditions of release. Respondents must file a status update by February 7, 2026.

CASES CITED

- *Jennings v. Rodriguez*, 583 U.S. 281, 287-89 (2018)
- *Lieogo v. Freden*, No. 6:25-CV-06615 EAW, 2025 WL 3290694, at *2-6 (W.D.N.Y. Nov. 26, 2025)
- *Quitizaca Quitisaca v. Bondi, et al.*, No. 25-cv-6527, 2025 WL 3264440 (W.D.N.Y. Nov. 24, 2025)
- *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 140 (2020)
- *Ruedo Torres v. Francis*, 25 Civ. 8408 (DEH), 2025 WL 3168759, at *3 (S.D.N.Y. Nov. 13, 2025)
- *Alberto R.C. v. Murray*, No. 1:25-CV-01618-KES-SKO (HC), 2025 WL 3648143, at *4 (E.D. Cal. Dec. 16, 2025)
- *Campbell v. Almodovar*, No. 1:25-CV-09509 (JLR), 2025 WL 3538351, at *6, *9 (S.D.N.Y. Dec. 10, 2025)
- *Cabrera Martinez v. Marich*, No. 25-CV-1110-LJV, 2025 WL 3771228, at *5-6, *8, *13 (W.D.N.Y. Dec. 31, 2025)

- Iza by Iza v. Larocco, No. 2:25-CV-6915 (NJC), 2026 WL 31378, at *11-12 (E.D.N.Y. Jan. 5, 2026)
- Qasemi v. Francis, No. 25-CV-10029 (LJL), 2025 WL 3654098, at *11 (S.D.N.Y. Dec. 17, 2025)
- Rodriguez-Acurio v. Almodovar, __ F. Supp. 3d __, 2025 WL 3314420, at *18 (E.D.N.Y. Nov. 28, 2025)
- Daza v. Albarran, No. 25-CV-10214-RFL, 2026 WL 81518, at *4 (N.D. Cal. Jan. 12, 2026)
- Abdirashid v. Noem, No. 25-4779 (JRT/EMB), 2026 WL 127698, at *3 (D. Minn. Jan. 9, 2026)
- Montiel v. Raycraft, No. 1:25-CV-1610, 2026 WL 32076, at *2 (W.D. Mich. Jan. 6, 2026)
- Clark v. Martinez, 543 U.S. 371, 386 (2005)
- Francois v. Noem, No. CV 25-7334, 2026 WL 27565, at *3 (E.D. Pa. Jan. 5, 2026)
- Sanchez v. Soto, No. CV 25-19082 (SDW), 2026 WL 125576, at *2 (D.N.J. Jan. 16, 2026)
- Tenemasa-Lema v. Hyde, No. CV 25-13029-BEM, 2025 WL 3280555, at *4 (D. Mass. Nov. 25, 2025)
- Chanaguano Caiza v. Scott, No. 1:25-CV-00500-JAW, 2025 WL 3013081, at *7 (D. Me. Oct. 28, 2025)
- Mathews v. Eldridge, 424 U.S. 319 (1976)

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