

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Hector V. v. Pamela Bondi, Attorney General; Kristi Noem, U.S. Department of Homeland Security; Todd M. Lyons, Acting Director of Immigration and Customs Enforcement; David Easterwood, Acting Director, St. Paul Field Office, Immigration and Customs Enforcement

Civil No. 26-576 (DSD/LIB) (D. Minn. Jan. 28, 2026) · No. Civil No. 26-576 (DSD/LIB) · Decided January 28, 2026

SUMMARY

The United States District Court for the District of Minnesota grants Hector V.'s petition for a writ of habeas corpus challenging his immigration detention. The court holds that he is subject to discretionary detention under 8 U.S.C. § 1226 rather than mandatory detention under 8 U.S.C. § 1225(b)(2), and orders respondents to provide a bond hearing within seven days or release him. The court also enjoins his removal or transfer before the bond hearing and orders the return of seized identification and employment authorization documents upon release.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	David S. Doty
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	January 28, 2026
DOCKET	Civil No. 26-576 (DSD/LIB)
DISPOSITION	granted
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 reviewed the habeas petition based on the file, record, and proceedings; no separate standard of review was articulated.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation or stated precedential designation.

PARTIES

Hector V. v. Pamela Bondi, Attorney General, Kristi Noem, U.S. Department of Homeland Security, Todd M. Lyons, Acting Director of Immigration and Customs Enforcement, David Easterwood, Acting Director, St. Paul Field Office, Immigration and Customs Enforcement

TOPICS

immigration detention removal proceedings due process statutory interpretation equitable relief

PRACTICE AREAS

immigration immigration detention habeas corpus administrative law constitutional law

QUESTIONS PRESENTED

1. Whether Hector V. was subject to mandatory detention under 8 U.S.C. § 1225(b)(2) or discretionary detention with access to a bond hearing under 8 U.S.C. § 1226.
2. Whether the pendency of Hector V.'s asylum application required a different detention classification.

HOLDINGS

1. Hector V. was not subject to mandatory detention under 8 U.S.C. § 1225(b)(2); because he was already in the United States, his detention was governed, if at all, by the discretionary detention provisions of 8 U.S.C. § 1226.
2. Hector V.'s pending asylum application did not alter the conclusion that he was not subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

KEY QUOTATIONS

“Indeed, courts have overwhelmingly ruled that § 1225(b)(2) applies to applicants “seeking admission,” and that § 1226 applies to “aliens already in the country.””

“Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and is instead subject to detention, if at all, under the discretionary provisions of 8 U.S.C. § 1226;”

FACTUAL BACKGROUND

Hector V. is a citizen of Venezuela who had lived in Minnesota since December 2021. He had a pending asylum application but no final order of removal. Immigration authorities detained him beginning January 22, 2026, and classified him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

PROCEDURAL HISTORY

Hector V. filed a petition for a writ of habeas corpus challenging his detention by immigration authorities. The district court granted the petition, determined that he was not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), ordered a bond hearing under 8 U.S.C. § 1226(a)(2)(A) within seven days, and imposed related injunctive and documentation-return requirements.

DISPOSITION

granted

REMAND INSTRUCTIONS

Respondents must provide Hector V. a bond hearing under 8 U.S.C. § 1226(a)(2)(A) within seven days. If they fail to provide the hearing, Hector must be immediately released. Before the bond hearing, respondents are enjoined from removing, transferring, or otherwise facilitating his removal from the District of Minnesota. Upon release, respondents must return his employment authorization and other identification documentation seized at arrest.

CASES CITED

- Elias C. v. Bondi, No. 26-cv-307, 2026 WL 145962 (D. Minn. Jan. 20, 2026)
- Yessenia S.T. v. Bondi, No. 26-cv-30, 2026 WL 102407 (D. Minn. Jan. 14, 2026)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA CIVIL NO. 26-576(DSD/LIB) Hector V., Petitioner, v. ORDER Pamela Bondi, Attorney General; Kristi Noem, U.S. Department of Homeland Security; Todd M. Lyons, Acting Director of Immigration and Customs Enforcement; David Easterwood, Acting Director, St. Paul Field Office, Immigration and Customs Enforcement, Respondents.

This matter is before the court upon the petition for writ of habeas corpus. Based on a review of the file, record, and proceedings herein, the court grants the petition. Petitioner Hector V. is a citizen of Venezuela who has lived in Minnesota since December 2021. Pet. ¶ 17. He has a pending asylum application and does not have a final order of removal. Id. ¶ 18.

Hector has been in respondents' custody since January 22, 2026. Id. ¶ 21. Through his petition, brought under 28 U.S.C. § 2241, Hector challenges his detention and requests immediate release or an expedited bond hearing, as well as injunctive relief.

The narrow issue presented is whether Hector is subject to 8 U.S.C. § 1225(b)(2), which mandates detention, or 8 U.S.C. § 1226, which is discretionary with respect to detention pending a bond hearing. Pet. ¶¶ 46-66. Hector argues that respondents have erroneously classified him as falling under § 1225(b)(2), which violates his Fifth Amendment right to due process, the Immigration and Nationality Act, 8 U.S.C. §§ 1225(b)(2) and 1226(a), and related regulations, and the Administrative Procedures Act, 5 U.S.C. § 706(2)(A).

Id. ¶¶ 35-51. The issue presented has been ruled on by many judges in this district and beyond. The great weight of authority persuasively holds that Hector and others in his circumstances have

been improperly detained under § 1225(b)(2) and should be allowed the processes available under § 1226. See *Elias C. v. Bondi*, No. 26- cv-307, 2026 WL 145962 (D. Minn. Jan.

20, 2026) (collecting cases). Indeed, courts have overwhelmingly ruled that § 1225(b)(2) applies to applicants “seeking admission,” and that § 1226 applies to “aliens already in the country.” See *id.* The court agrees with such authority and will follow suit without additional discussion.

The court is not persuaded that Hector’s asylum application should yield a different result. See *Yessenia S.T. v. Bondi*, No. 26-cv- 30, 2026 WL 102407 (D. Minn. Jan. 14, 2026). Accordingly, IT IS HEREBY ORDERED that the petition for writ of habeas corpus [ECF No. 1] is granted as follows: 1. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and is instead subject to detention, if at all, under the discretionary provisions of 8 U.S.C. § 1226; 2.

Respondents shall provide petitioner a bond hearing in accordance with 8 U.S.C. § 1226(a)(2)(A) within seven days of the date of this order; 3. If Respondents do not provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) as required herein, petitioner must be immediately released from detention; 4. Respondents are enjoined from removing, transferring, or otherwise facilitating the removal of petitioner from the District of Minnesota before the bond hearing; and 5.

Upon petitioner’s release, respondents shall return to him any employment authorization documentation and any other identification documentation seized on his arrest. LET JUDGMENT BE ENTERED ACCORDINGLY. Dated: January 28, 2026 /s David S. Doty __ David S. Doty, Judge United States District Court