

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
IOWA, WESTERN DIVISION

Cristian Gabriel Duran Avalos v. Pamela Bondi, et al.

Duran Avalos · No. No. C25-4063-LTS-KEM · Decided December 9, 2025

SUMMARY

The court grants Cristian Gabriel Duran Avalos’ petition for a writ of habeas corpus under 28 U.S.C. § 2241, holding that his 12-year presence in the United States places his detention under 8 U.S.C. § 1226(a), rather than the mandatory-detention provision of § 1225(b)(2). The court further concludes that denying him an opportunity for a bond hearing violated his substantive due process rights. Respondents are ordered either to release him or conduct a bond determination hearing within fourteen days, and his motion for a temporary restraining order is denied as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Iowa, Western Division
WRITING FOR THE COURT	Leonard T. Strand
JURISDICTION	United States District Court for the Northern District of Iowa, Western Division
DECIDED	December 9, 2025
DOCKET	No. C25-4063-LTS-KEM
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas corpus relief under 28 U.S.C. § 2241 and a temporary restraining order challenging his detention and classification as ineligible for bond during removal proceedings.
STANDARD OF REVIEW	The petitioner bore the burden of proving by a preponderance of the evidence that his detention was unlawful. The court reviewed the statutory interpretation and constitutional detention issues de novo.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Pamela Bondi, et al. v. Cristian Gabriel Duran Avalos

TOPICS

immigration detention

removal proceedings

substantive due process

statutory interpretation

civil procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2)'s mandatory detention provision applies to an unadmitted alien who has lived in the United States for approximately twelve years and is not presently seeking admission.
2. Whether petitioner's continued detention without an opportunity to post bond violated his substantive due process rights.
3. Whether petitioner was entitled to habeas relief under 28 U.S.C. § 2241 and whether his request for a temporary restraining order should be granted.

HOLDINGS

1. Section 1225(b)(2) does not apply to Duran Avalos because, although he was an applicant for admission, he was not presently seeking admission after having lived in the United States for approximately twelve years.
2. On the record presented, continued detention without an opportunity to post bond violated Duran Avalos's substantive due process rights.

KEY QUOTATIONS

“Here, giving effect to every word in the section, as is “one of the most basic interpretive canons,” I must reject reading in the superfluousness that the Government requests.” (III.A)

“I find that Duran Avalos, having been in the United States for 12 years at this point, does not meet the criteria to fall under § 1225(b)(2). Instead, he falls squarely within the scope of § 1226(a).” (III.A)

“On this record, and as applied to Duran Avalos, I find that his continued detention without the opportunity to post bond violates his substantive due process rights.” (III.B)

FACTUAL BACKGROUND

Duran Avalos, a citizen of El Salvador, had lived in the United States since approximately 2013 and had not been formally inspected or admitted. After DHS encountered him at a South Dakota county jail following arrests on charges that were later dismissed, DHS served him with a Notice to Appear and detained him in Iowa. An immigration judge classified him as ineligible for bond, and the Government treated him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

PROCEDURAL HISTORY

Duran Avalos filed a § 2241 habeas petition and a motion for a temporary restraining order. The court ordered the respondents to respond, received the Government's response and petitioner's reply, and resolved the merits without oral argument. The court granted habeas relief, denied the TRO as moot, and ordered the respondents either to release petitioner or conduct a bond determination hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Within fourteen days of the order, respondents must either immediately release Duran Avalos or hold a bond determination hearing at which he is not deemed ineligible for bond under 8 U.S.C. § 1225(b)(2). The motion for a temporary restraining order was denied as moot.

CASES CITED

- Giron Reyes v. Lyons, ___ F. Supp. 3d ___, No. 25-cv-4048, 2025 WL 2712427, at *1–2 (N.D. Iowa Sept. 23, 2025)
- Morales-Martinez v. Raycraft, No. 25-cv-13303, 2025 WL 3124695, at *3–4 (E.D. Mich. Nov. 7, 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 286–88 (2018)
- Ramirez Valverde v. Olson, No. 25-cv-1502, 2025 WL 3022700, at *2–3 (E.D. Wis. Oct. 29, 2025)
- Romero Perez v. Francis, No. 25-cv-8112, 2025 WL 3110459, at *2 (S.D.N.Y. Nov. 6, 2025)
- United States v. Wilson, 503 U.S. 329, 333 (1992)
- Lopez Benitez v. Francis, ___ F. Supp. 3d ___, No. 25-cv-5937, 2025 WL 2371588, at *7 (S.D.N.Y. Aug. 13, 2025)
- Helbrum v. Williams, No. 25-cv-349, 2025 WL 2840273, at *6 (S.D. Iowa Sept. 30, 2025)
- Cirrus Rojas v. Olson, No. 25-cv-1437, 2025 WL 3033967, at *8 (E.D. Wis. Oct. 30, 2025)
- Torres v. Lynch, 578 U.S. 452, 472 (2016)
- Loper Bright Enters. v. Raimondo, 603 U.S. 369, 400 (2024)
- Corley v. United States, 556 U.S. 303, 314 (2009)
- Pulsifer v. United States, 601 U.S. 124, 133 (2024)
- Chavez v. Noem, ___ F. Supp. 3d ___, No. 25-cv-2325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025)
- Vargas Lopez v. Trump, ___ F. Supp. 3d ___, No. 25-cv-526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025)
- Barrios Sandoval v. Acuna, No. 25-cv-1467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025)
- Aditya W. H. v. Trump, 782 F. Supp. 3d 691, 703 (D. Minn. 2025)
- Sanchez Alvarez v. Noem, No. 25-cv-1090, 2025 WL 2942648, at *10 (W.D. Mich. Oct. 17, 2025)
- Sanchez Ballestros v. Noem, No. 25-cv-594, 2025 WL 2880831, at *1 (W.D. Ky. Oct. 9, 2025)
- A.A.R.P. v. Trump, 605 U.S. 91, 94 (2025)
- Reno v. Flores, 507 U.S. 292, 303 (1993)
- Zadvydas v. Davis, 533 U.S. 678, 690–91 (2001)

- *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)
- *Demore v. Kim*, 538 U.S. 510, 531–32 (2003) (Kennedy, J., concurring)

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