

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Lin Kiankang v. Todd Lyons, et al.

Kiankang · No. No. 2:26-cv-00006 (BRM) · Decided January 15, 2026

SUMMARY

The United States District Court for the District of New Jersey granted a 28 U.S.C. § 2241 petition challenging mandatory immigration detention under 8 U.S.C. § 1225(b)(2) without an individualized bond hearing. Relying on its interpretation in Sandhu v. Tsoukaris, the Court held that the petitioner’s detention was governed by the discretionary detention authority of 8 U.S.C. § 1226(a) and ordered an individualized bond hearing within seven days. The document contains an internal discrepancy between the caption identifying the petitioner as Lin Kiankang and the text identifying the petitioner as Juan Carlos Villa Morocho.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Brian R. Martinotti
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	January 15, 2026
DOCKET	No. 2:26-cv-00006 (BRM)
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without an individualized bond hearing.
STANDARD OF REVIEW	The Court reviewed the § 2241 detention challenge and interpreted the governing immigration detention statutes.
PRECEDENTIAL VALUE	Nonprecedential district-court memorandum and order
PARTIES	Lin Kiankang v. Todd Lyons, et al.

TOPICS

- immigration detention
- immigration
- statutory interpretation
- civil procedure
- removal proceedings

PRACTICE AREAS

- immigration detention
- habeas corpus
- administrative law
- statutory interpretation

QUESTIONS PRESENTED

1. Whether a noncitizen who entered the United States without inspection in 2024 and was arrested inside the country is detained under the mandatory-detention provision of 8 U.S.C. § 1225(b)(2) or the discretionary detention provision of 8 U.S.C. § 1226(a).
2. Whether Petitioner was entitled to an individualized bond hearing under 8 U.S.C. § 1226(a).
3. Whether the Court was required to defer to the Board of Immigration Appeals' interpretation of § 1225(b)(2) in *Matter of Yajure Hurtado*.

HOLDINGS

1. A noncitizen who is already present in the United States and is arrested in the interior is detained under 8 U.S.C. § 1226(a), rather than the mandatory-detention provision of § 1225(b)(2), which governs noncitizens seeking admission.
2. Because Petitioner is detained under § 1226(a), Respondents must provide him with an individualized bond hearing before an immigration judge.
3. The Court was not required to defer to the BIA's interpretation of § 1225 because statutory interpretation is a judicial function.

KEY QUOTATIONS

“The line historically drawn between these two sections . . . is that section 1225 governs detention of non-citizens ‘seeking admission into the country,’ whereas section 1226 governs detention of non-citizens ‘already in the country.’” (ECF No. 7 at 7–11)

“For nearly 30 years, § 1225 has applied to noncitizens who are either seeking entry to the United States or have a close nexus to the border, and § 1226 has applied to those aliens arrested within the interior of the United States.” (ECF No. 7 at 7–11)

FACTUAL BACKGROUND

Petitioner is identified in the caption as Lin Kiankang and is described as a citizen of China who entered the United States without inspection in 2024. Immigration and Customs Enforcement arrested him on December 29, 2025, and detained him continuously thereafter. The government denied him an individualized bond hearing because it treated him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition contending that his detention under 8 U.S.C. § 1225(b)(2) was unlawful because he had not received an individualized bond hearing. The Court ordered Respondents to answer, and Respondents filed a letter response relying on the position advanced in similar cases that noncitizens who entered without inspection are subject to mandatory detention under § 1225(b)(2). The Court relied on its prior decision in *Sandhu v. Tsoukaris*, rejected that interpretation, granted the petition, and ordered an individualized bond hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must treat Petitioner as detained under 8 U.S.C. § 1226(a) and provide an individualized bond hearing before an immigration judge as soon as practicable and no later than seven days after the January 15, 2026 Order. The immigration judge must assess flight risk and danger to the community. Respondents must file written notice of the hearing's outcome within three business days after the hearing.

CASES CITED

- Sandhu v. Tsoukaris, No. 25-14607 (D.N.J.)
- Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)
- Martinez v. Hyde, No. 25-cv-11613, 2025 WL 2084238, at *8 (D. Mass. July 24, 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 288–89, 303 (2018)
- Lopez-Campos v. Raycraft, 2025 WL 2496379, at *8 (E.D. Mich. Aug. 29, 2025)
- Soto v. Soto, et al., No. 25-cv-16200, 2025 WL 2976572, at *7 (D.N.J. Oct. 22, 2025)
- Belsai D.S. v. Bondi, No. 25-cv-3682, 2025 WL 2802947, at *6 (D. Minn. Oct. 1, 2025)
- Zumba, 2025 WL 2753496, at *3
- Salazar v. Dedos, No. 25-cv-835, 2025 WL 2676729 (D.N.M. Sept. 17, 2025)
- Lepe v. Andrews, No. 25-cv-01163, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025)
- Roman v. Noem, No. 25-cv-01684, 2025 WL 2710211 (D. Nev. Sept. 23, 2025)
- Giron Reyes v. Lyons, No. 25-cv-4048, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025)
- Singh v. Lewis, No. 25-cv-0096, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025)
- Barrera v. Tindall, No. 25-cv-541, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025)
- Hasan v. Crawford, No. 25-cv-1408, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025)
- Vazquez v. Feeley, No. 2:25-cv-01542, 2025 WL 2676082 (D. Nev. Sept. 17, 2025)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 412 (2024)
- Decatur v. Paulding, 39 U.S. 497, 503 (1840)
- Maldonado Bautista v. Santacruz, No. 5:25-cv-1873 (SSS)(BFM) (C.D. Cal.)

OPINION

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY LIN KIAN KANG,:: Civil Action No. 26-006 (BRM) Petitioner,; v.: MEMORANDUM AND ORDER TODD LYONS, et al.,: Respondents.: THIS MATTER is before the Court on Petitioner Juan Carlos Villa Morocho's ("Petitioner") Petition for Writ of Habeas Corpus ("Petition") pursuant to 28 U.S.C. § 2241, challenging his detention by immigration authorities without an individualized bond hearing (ECF No. 1.)

Respondents filed a letter response. (ECF No. 4.) Petitioner, a citizen of China, who entered the United States without inspection in 2024. (ECF No. 4 at 1.) On December 29, 2025, Petitioner was arrested by Immigration Customs and Enforcement (“ICE”) agents. (Id.) Petitioner has been in ICE detention since his arrest. Following Petitioner’s arrest and detention by ICE, he has not been afforded an individualized bond hearing because he is being held in mandatory detention under 8 U.S.C. § 1225(b)(2).

(ECF No. 1 at 1.) The Court ordered Respondents to file an answer. (ECF No. 2.) Respondents filed a letter response. (ECF No. 4.) The Petition contends Petitioner is unlawfully detained under 8 U.S.C. § 1225(b)(2) without a bond hearing. (See ECF No. 1.) Respondents assert the same position they have in many other similar cases in this District, including the position they took before this Court in the recent matter *Sandhu v. Tsoukaris*, No. 25-14607 (BRM).

In *Sandhu*, Respondents argued DHS has implemented a new policy interpreting INA § 235, 8 U.S.C. § 1225(b)(2)(A), to require mandatory detention of noncitizens who entered the United States without admission or inspection and to render them ineligible for release on bond, a position that the Board of Immigration Appeals recently adopted in *Matter of Yajure Hurtado*, 29 I&N Dec.

216 (BIA 2025). In *Sandhu*, this Court rejected Hurtado’s interpretation of 8 U.S.C. § 1225(b)(2). *Sandhu*, No. 25-14607, (ECF Nos. 7, 8). In a factually similar situation, the Court held that *Sandhu* was unlawfully held in mandatory detention under § 1225(b)(2) and need to be treated as being held the discretionary authority of 8 U.S.C. § 1226(a).

In *Sandhu*, this Court explained the following: The issue of whether Petitioner is properly detained under § 1225(b) or § 1226(a) is similar to that of many cases in this District and around the country. “The line historically drawn between these two sections... is that section 1225 governs detention of non-citizens ‘seeking admission into the country,’ whereas section 1226 governs detention of non-citizens ‘already in the country.’” *Martinez v. Hyde*, No. 25-cv-11613, 2025 WL 2084238, at *8 (D.

Mass. July 24, 2025) (citing *Jennings*, 583 U.S. at 288–89); see also *Lopez-Campos v. Raycraft*, 2025 WL 2496379, at *8 (E.D. Mich. Aug. 29, 2025) (“There can be no genuine dispute that Section 1226(a), and not Section 1225(b)(2)(A), applies to a noncitizen who has resided in this country for over twenty-six years and was already within the United States when apprehended and arrested during a traffic stop, and not upon arrival at the border.”).

For nearly 30 years, § 1225 has applied to noncitizens who are either seeking entry to the United States or have a close nexus to the border, and § 1226 has applied to those aliens arrested within the interior of the United States.

The Supreme Court in *Jennings* explicitly adopted this distinction, describing § 1225 as the detention statute for noncitizens affirmatively “seeking admission” into the United States, and §

1226 as the detention statute for noncitizens who are “already in the country.” [Jennings v. Rodriguez, 583 U.S. 281, 289 (2018)]. And although the Jennings Court characterizes § 1225(b)(2) as the “catchall” detention provision for noncitizens who are “seeking admission,” it identifies § 1226(a) as the “default rule” for the arrest, detention, and release of non-criminal aliens who are already present in the United States.

Id. at 303. The vast majority of courts confronting this precise issue have rejected Respondents’ interpretation, as well as the BIA’s interpretation in *Hurtado*, as contradictory to the plain text of § 1225.[1] See, e.g., *Soto* [v. Soto, et al., No. 25-cv-16200, 2025 WL 2976572, at *7 (D.N.J. Oct. 22, 2025)] (finding that § 1225(b)(2)(A) applies only to noncitizens who are actively, i.e., affirmatively, “seeking admission” to the United States and not petitioners who have been residing in the United States); *Belsai D.S. v. Bondi*, No. 25- cv-3682, 2025 WL 2802947 at * 6 (D.

Minn. Oct. 1, 2025) (noting that “the government’s proposed interpretation of § 1225(b) [is] at odds with the context and structure of the provisions governing detention of noncitizens who are arriving at the border and those who are already present in the country”); *Zumba*, 2025 WL 2753496 at * 3 (noting that “up until July 8 the predominant form of detention authority for petitioner and other noncitizens arrested in the interior of the United States was § 1226(a)”); *Salazar v. Dedos*, No. 25-cv-835, 2025 WL 2676729 (D.N.M.

Sept. 17, 2025); *Lepe v. Andrews*, No. 25-cv-01163, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Roman v. Noem*, No. 25-cv-01684, 2025 WL 2710211 (D. Nev. Sept. 23, 2025); *Giron Reyes v. Lyons*, No. 25-cv-4048, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Singh v. Lewis*, No. 25-cv-0096, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Barrera v. Tindall*, No. 25-cv-541, 2025 WL 2690565 (W.D.

Ky. Sept. 19, 2025); *Hasan v. Crawford*, No. 25-cv-1408, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Vazquez v. Feeley*, No. 2:25– cv–01542, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); [collecting additional cases]. *Sandhu*, No. 25-14607 (ECF No. 7 at 7–11). Based on this Court’s statutory interpretation in *Sandhu*, No. 25-14607, the Court finds the facts asserted in the Petition establish Petitioners’ detention is authorized only by 8 U.S.C. § 1226(a), and not § 1225(b)(2).² 1 This Court is not required to defer to the BIA’s interpretation of § 1225 because “[w]hen the meaning of a statute [is] at issue, the judicial role [is] to ‘interpret the act of Congress, in order to ascertain the rights of the parties.’” *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 412 (2024) (quoting *Decatur v. Paulding*, 39 U.S. 497, 503 (1840)).

2 The Court notes that Petitioners ask the Court to find they are members of the bond eligible class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-1873 (SSS)(BFM) (C.D. Cal.). (See ECF Nos. 1, 6.) As the Court finds Petitioners detained under Section 1226(a) and grants Petitioners the relief of a bond hearing, the Court declines to address Petitioners’ class member argument.

If Petitioners seek further relief under Maldonado beyond what this Court granted, they are free to file an enforcement motion with the Maldonado court. Accordingly, and for good cause appearing, IT IS on this 15th day of January 2026, ORDERED the Petition (ECF No. 1) is GRANTED; and it is further ORDERED Respondents shall treat Petitioner as detained under 28 U.S.C. § 1226(a); and it is further ORDERED that, as soon as practicable but no later than 7 days from the date of this Order, Respondents shall provide Petitioner with an individualized bond hearing in accordance with 8 U.S.C. § 1226(a) before an immigration judge who shall assess whether he presents a flight risk or a danger to the community; and it is further ORDERED within 3 business days of that bond hearing, Respondents shall file a written notice of the outcome of that proceeding with the Court; and it is finally ORDERED the Clerk of Court shall serve a copy of this Order and the accompanying Opinion upon the parties electronically. /s/ Brian R. Martinotti
HON. BRIAN R. MARTINOTTI UNITED STATES DISTRICT JUDGE