

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

Elsa Maria Zuna Bravo v. Superintendent, Strafford County Dept. of Corrections, et al.

2026 DNH 065 (D. N.H. 2026) · No. 26-cv-386-SM-TSM · Decided June 1, 2026

SUMMARY

The United States District Court for the District of New Hampshire partially granted Elsa Maria Zuna Bravo’s habeas petition under 28 U.S.C. § 2241. The court ordered respondents to provide her with a constitutionally adequate bond hearing before an immigration judge, with specified burdens of proof, but denied without prejudice her request for immediate release.

CASE DETAILS

COURT	United States District Court for the District of New Hampshire
WRITING FOR THE COURT	Steven J. McAuliffe
JURISDICTION	United States District Court for the District of New Hampshire
DECIDED	June 1, 2026
DOCKET	26-cv-386-SM-TSM
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 by a civil immigration detainee seeking immediate release or, alternatively, a constitutionally adequate bond hearing.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Elsa Maria Zuna Bravo v. Superintendent, Strafford County Dept. of Corrections, et al.

TOPICS

- immigration detention
- procedural due process
- removal proceedings
- immigration
- civil procedure

PRACTICE AREAS

- immigration
- constitutional law
- civil rights
- civil procedure
- remedies

QUESTIONS PRESENTED

1. Whether Bravo was entitled under 28 U.S.C. § 2241 to a constitutionally adequate bond hearing before an immigration judge.
2. Whether Bravo was entitled to immediate release from immigration custody.

HOLDINGS

1. Bravo was entitled to a constitutionally adequate bond hearing before an immigration judge as soon as practicable.
2. Bravo was not entitled at this stage to an order directing her immediate release; that request was denied without prejudice.

KEY QUOTATIONS

“The respondents are ordered to provide Bravo with a constitutionally-adequate bond hearing before an IJ as soon as practicable, at which the government will bear the burden to either: (1) prove by a preponderance that Bravo is a flight risk; or (2) prove by clear and convincing evidence that she poses a danger to the community.”

“To the extent Bravo seeks an order directing her immediate release, that request is denied without prejudice.”

FACTUAL BACKGROUND

Bravo is a civil immigration detainee from Brazil held in ICE custody during removal proceedings. She sought immediate release or a prompt bond hearing before a neutral decisionmaker. The court found that the reasoning of Destino applied to her circumstances and that respondents had not shown cause why a bond hearing should not be ordered.

PROCEDURAL HISTORY

Bravo filed a § 2241 petition seeking immediate release from ICE custody or a bond hearing. The court issued an order to show cause, and respondents argued that Bravo was subject to mandatory detention under 8 U.S.C. § 1225 and that prior decisions supporting a bond hearing were wrongly decided. Respondents nevertheless acknowledged that the court would reach the same result under the reasoning of Destino. The court granted the petition in part and ordered a bond hearing before an immigration judge.

DISPOSITION

other

REMAND INSTRUCTIONS

Respondents must provide Bravo with a constitutionally adequate bond hearing before an immigration judge as soon as practicable. The government must bear the applicable evidentiary burden at the hearing, and it must file a status report within fourteen days. If no hearing is provided, the court will set appropriate release terms and conditions.

CASES CITED

- Guerrero Orellana v. Moniz, No. 25-cv-12664-PBS, 2025 WL 3687757, at *10-11 (D. Mass. Dec. 19, 2025)
- Destino v. FCI Berlin, Warden, No. 25-cv-374-SE-AJ, 2025 WL 4010424 (D.N.H. Dec. 24, 2025)
- Hernandez-Lara v. Lyons, 10 F.4th 19, 41 (1st Cir. 2021)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF NEW HAMPSHIRE Elsa Maria Zuna Bravo, Petitioner v. Case No. 26-cv-386-SM-TSM Opinion No. 2026 DNH 065 Superintendent, Strafford County Dept. of Corrections, et al., Respondents O R D E R Petitioner is a civil immigration detainee from Brazil who seeks an order directing respondents to release her immediately from ICE custody or, in the alternative, an order directing the federal respondents to provide her with a prompt, constitutionally-adequate bond hearing before a neutral decisionmaker.

See generally 28 U.S.C. § 2241. On May 15, 2026, the respondents were directed to show cause why the court should not issue an order granting Bravo's petition to the extent it seeks an order directing them to grant her a bond hearing based upon her apparent membership in the class certified in Guerrero Orellana v. Moniz, No. 25-cv-12664-PBS, 2025 WL 3687757, at *10-11 (D.

Mass. Dec. 19, 2025), and/or her similarity to the petitioner in Destino v. FCI Berlin, Warden, No. 25-cv-374-SE-AJ, 2025 WL 4010424 (D.N.H. Dec. 24, 2025). The respondents filed their response to the order to show cause on May 22, 2026, in which they maintain that Destino and Guerrero Orellana were wrongly decided, assert that Bravo is subject to mandatory detention pursuant to 8 U.S.C. § 1225, and object to the court granting the relief she seeks.

See Response to Order to Show Cause (document no. 5). Nonetheless, they acknowledge that the court would reach the same result in this case as it reached in Destino if it were to apply the same reasoning as set forth in that case. Conclusion The respondents have failed to show cause why the court should not order them to afford Bravo a bond hearing before an immigration judge (IJ).

Because the court concludes that the reasoning in Destino applies in this case, the petition is granted, in part. The respondents are ordered to provide Bravo with a constitutionally-adequate bond hearing before an IJ as soon as practicable, at which the government will bear the burden to either: (1) prove by a preponderance that Bravo is a flight risk; or (2) prove by clear and convincing evidence that she poses a danger to the community.

See Destino, 2025 WL 4010424 at *8. See also Hernandez-Lara v. Lyons, 10 F.4th 19, 41 (1st Cir. 2021). If the government fails to provide a bond hearing, the court will set appropriate terms and conditions of the petitioner's release during the pendency of her removal proceedings.

To the extent Bravo seeks an order directing her immediate release, that request is denied without prejudice. The court finds that a bond hearing before an IJ is sufficient to protect her rights at this

stage. The government shall file a status report within fourteen days. SO ORDERED. a —_—_
—— teven &. McAuliffe United States District Judge June 1, 2026 cc: Counsel of Record

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