

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, NORTHERN DIVISION AT COVINGTON

Bertila Jacqueline Aigaje-Ascanta v. Pamela Bondi, et al.

Aigaje-Ascanta · No. Civil Action No. 25-237-DLB · Decided April 16, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky denied Bertila Jacqueline Aigaje-Ascanta’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging her immigration detention and seeking release or a bond hearing. The court held that the Immigration Judge’s alternative finding that Aigaje-Ascanta was a flight risk was a discretionary bond decision beyond federal-court review under 8 U.S.C. § 1226(e), and directed the docket to substitute Markwayne Mullin for Kristi Noem as a respondent.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Northern Division at Covington
JURISDICTION	United States District Court for the Eastern District of Kentucky, Northern Division at Covington
DECIDED	April 16, 2026
DOCKET	Civil Action No. 25-237-DLB
DISPOSITION	denied
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking immediate release or a bond hearing. The case was transferred from the Northern District of Illinois to the Eastern District of Kentucky.
STANDARD OF REVIEW	Jurisdictional review under 8 U.S.C. § 1226(e); discretionary immigration bond decisions are not reviewable, while challenges to the statutory detention framework as a whole remain reviewable.
PRECEDENTIAL VALUE	unpublished
PARTIES	Bertila Jacqueline Aigaje-Ascanta v. Pamela Bondi, Markwayne Mullin, Todd Lyons, Samuel Olson

TOPICS

immigration detention

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1226(e) deprived the district court of jurisdiction to review the immigration judge's discretionary denial of bond.
2. Whether an immigration judge's alternative finding that the petitioner was a flight risk supplied an independent basis for detention despite the judge's separate conclusion that the immigration court lacked authority to consider bond.
3. Whether the petitioner's challenge concerned the statutory detention framework as a whole, which remains reviewable, or instead challenged a particular discretionary bond decision.

HOLDINGS

1. 8 U.S.C. § 1226(e) bars federal-court review of an immigration judge's discretionary decision regarding detention, release, or the grant or denial of bond. Because Aigaje-Ascanta challenged the immigration judge's discretionary denial of bond, the district court lacked jurisdiction to review that decision.
2. An immigration judge's alternative finding that a petitioner presents a flight risk supplies an independent basis for denying release and remains a discretionary decision even when the judge also concluded that the immigration court lacked authority to hear the bond request.
3. The petition did not present a reviewable challenge to the INA's detention framework as a whole; it challenged the immigration judge's particular discretionary decision to deny bond.

KEY QUOTATIONS

“Because this is a challenge to a discretionary decision, rather than a challenge to the statutory framework as a whole, § 1226(e) precludes this Court’s review.”

“The second ground, that Petitioner is a flight risk, was decided on the merits.”

FACTUAL BACKGROUND

Bertila Jacqueline Aigaje-Ascanta, a native and citizen of Ecuador, entered the United States on May 20, 2024, and was later detained by ICE while working in Illinois. She filed a § 2241 petition seeking release or a bond hearing. During the litigation, an immigration judge conducted a custody redetermination hearing, considered nearly 100 pages of supporting material, and denied bond alternatively on the ground that Aigaje-Ascanta was a flight risk.

PROCEDURAL HISTORY

Aigaje-Ascanta filed a § 2241 habeas petition after ICE detained her. The case was transferred to the Eastern District of Kentucky. While the petition was pending, an immigration judge conducted a custody redetermination hearing, considered the submitted evidence, and denied bond both because of a purported lack of authority and, alternatively, because Aigaje-Ascanta was a flight risk. The district court ordered further briefing, concluded that the challenge targeted a discretionary bond decision barred from review by 8 U.S.C. § 1226(e), and denied the petition.

DISPOSITION

denied

CASES CITED

- Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025)
- Bautista v. Santacruz, No. 5:25-cv-01873, 2026 WL 468284 (C.D. Cal. Feb. 18, 2026)
- Bautista v. U.S. Dep't of Homeland Sec., No. 26-1044 (9th Cir. Mar. 6, 2026)
- Fuentes v. Lyons, No. 5:25-cv-153, 2025 WL 3022478, at *3 (S.D. Tex. Oct. 29, 2025)
- Nielsen v. Preap, 586 U.S. 392, 401 (2019)
- Jennings v. Rodriguez, 583 U.S. 295-96 (2018)
- Igor Borbot v. Warden Hudson County Correctional Facility, Borbot v. Warden Hudson Cnty. Corr. Fac., 906 F.3d 274, 279 (3d Cir. 2018)
- Demore v. Kim, 538 U.S. 510, 517 (2003)
- Kumar v. Anda-Ybarra, No. CIV-26-164-R, 2026 WL 753944, at *2 (W.D. Okla. Mar. 17, 2026)
- Chiquito Barzola v. Warden, Delaney Hall Det. Facility Newark NJ, No. 2:25-cv-17326 (MEF), 2025 WL 3443487, at *2 (D.N.J. Dec. 1, 2025)
- Singh v. Blanche, No. CIV-26-311-D, 2026 WL 915596, at *9 (W.D. Okla. Apr. 3, 2026)
- Hernandez-Gabriel v. Tate, No. H-25-5687, 2026 WL 161192, at *4 (S.D. Tex. Jan. 20, 2026)