

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Tinoco-Potosme v. English

No. 3:26-CV-362-CCB-SJF (N.D. Ind. Apr. 29, 2026) · No. 3:26-CV-362-CCB-SJF · Decided April 29, 2026

SUMMARY

The court denied Samuel Tinoco-Potosme’s 28 U.S.C. § 2241 petition challenging his detention during ongoing removal proceedings. It held that the mandatory detention provision in 8 U.S.C. § 1225(b)(2) does not apply to a noncitizen arrested in the interior of the United States years after arrival, but concluded that the petitioner was detained under 8 U.S.C. § 1226(a) and had received the required individualized bond hearing. The court rejected his reliance on the 90-day removal-period provision and *Zadvydas v. Davis* because no final removal order had been issued, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Cristal C. Brisco
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	April 29, 2026
DOCKET	3:26-CV-362-CCB-SJF
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking immediate release.
STANDARD OF REVIEW	The court reviewed the habeas petition and record to determine whether the petitioner demonstrated an entitlement to federal habeas relief and whether his detention complied with the governing statutes, constitutional due process, and applicable regulations.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Samuel Tinoco-Potosme v. Brian English, Warden

TOPICS

- immigration detention
- removal proceedings
- statutory interpretation
- procedural due process
- immigration

PRACTICE AREAS

Immigration

Federal habeas corpus

Immigration detention

Statutory interpretation

Constitutional due process

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2)'s mandatory-detention provision applies to a noncitizen who entered the United States years earlier and was arrested in the interior rather than while seeking admission at a port of entry.
2. Whether the petitioner was entitled to habeas relief under 8 U.S.C. § 1226(a) because he was detained without constitutionally adequate process.
3. Whether the ninety-day removal-period rule in 8 U.S.C. § 1231 or the limitations recognized in *Zadvydas v. Davis* applied to the petitioner's pre-removal-order detention.

HOLDINGS

1. The mandatory-detention provision in 8 U.S.C. § 1225(b)(2) does not apply to a noncitizen like Tinoco-Potosme who was arrested in the interior of the United States years after arrival and was not seeking admission at a port of entry.
2. The petitioner was not entitled to habeas relief because he was detained under § 1226(a), received an individualized bond hearing, and did not show that the immigration judge's danger determination was erroneous.
3. The ninety-day removal-period provision in § 1231 and the post-removal detention limitations recognized in *Zadvydas* do not apply because the petitioner's removal proceedings remained ongoing and no final removal order had been issued.

KEY QUOTATIONS

“The court reaffirms its holding that the mandatory detention provision in 8 U.S.C. § 1225(b)(2) does not apply to individuals like Mr. Tinoco-Potosme who are arrested within the interior of the country years after their arrival.”

“Based on the record, Mr. Tinoco-Potosme has not demonstrated an entitlement to federal habeas relief.”

FACTUAL BACKGROUND

Samuel Tinoco-Potosme, a Nicaraguan citizen, entered the United States without inspection in 2022 and was encountered by Border Patrol agents in Texas. He was temporarily paroled, failed to report when the parole period ended, and later had an Indiana conversion conviction. After being arrested on a domestic-battery charge in November 2025, he was transferred to ICE custody. An immigration judge held an individualized custody hearing in February 2026 and denied bond after finding that he posed a danger to the community.

PROCEDURAL HISTORY

Tinoco-Potosme filed a pro se § 2241 petition alleging that his immigration detention violated the Fifth Amendment Due Process Clause. The court ordered the Warden to respond, particularly in light of prior district-court decisions concerning the applicability of 8 U.S.C. § 1225(b)(2). The Warden answered, the petitioner did not file a reply within the allotted time, and the court denied the petition and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Morales-Ramirez v. Reno, 209 F.3d 977, 978 (7th Cir. 2000)
- De Jesús Aguilar v. English, No. 3:25-CV-898 DRL-SJF, 2025 WL 3280219 (N.D. Ind. Nov. 25, 2025)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Clark v. Sweeney, 607 U.S. 7, 9 (2025)
- Mejia Diaz v. Noem, No. 3:25cv960, 2025 WL 3640419 (N.D. Ind. Dec. 16, 2025)
- Singh v. English, No. 3:25cv962, 2025 WL 3713715 (N.D. Ind. Dec. 23, 2025)
- Castañon-Nava v. U.S. Department of Homeland Security, 161 F.4th 1048, 1061 (7th Cir. 2025)
- Cunha v. Freden, ___ F.4th ___, 2026 WL 1146044 (2d Cir. Apr. 28, 2026)
- Buenrostro-Mendez v. Bondi, 166 F.4th 494 (5th Cir. 2026)
- Avila v. Bondi, No. 25-3248, 2026 WL 819258 (8th Cir. Mar. 25, 2026)
- Jennings v. Rodriguez, 583 U.S. 281, 303, 306 (2018)
- In re Guerra, 24 I. & N. Dec. 37 (BIA 2006)
- Zadvydas v. Davis, 533 U.S. 678 (2001)
- United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268 (1954)