

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Luz Dary Hinestroza Arango v. Kenneth Genalo; Todd M. Lyons; Kristi Noem; and Pamela Bondi

Arango v. Genalo · No. No. 25-CV-6720 (RER) · Decided December 16, 2025

SUMMARY

The Eastern District of New York granted Luz Dary Hinestroza Arango’s habeas petition and ordered her release from immigration detention. The court held that her due process rights were violated because the government did not make an individualized custody determination before or contemporaneously with her arrest and served her Notice to Appear two days after the arrest. The court excused any exhaustion requirement because administrative remedies were deficient and the petition raised a substantial constitutional question.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Ramón E. Reyes, Jr.
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	December 16, 2025
DOCKET	No. 25-CV-6720 (RER)
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from immigration detention and requested release. After a December 15, 2025 hearing, the court granted the writ and ordered her release.
STANDARD OF REVIEW	The court reviewed the legality of petitioner's immigration detention and considered whether exhaustion of administrative remedies should be required or excused.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum
PARTIES	Luz Dary Hinestroza Arango v. Kenneth Genalo, Todd M. Lyons, Kristi Noem, Pamela Bondi

TOPICS

immigration detention

procedural due process

due process

removal proceedings

immigration

PRACTICE AREAS

immigration

immigration detention

habeas corpus

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether Arango's arrest and detention violated due process because ICE failed to make an individualized custody determination before or contemporaneously with the arrest.
2. Whether due process was violated because Arango was arrested under an I-200 warrant before being served with a Notice to Appear.
3. Whether Arango was required to exhaust administrative remedies before seeking habeas relief, and whether exhaustion should be excused.

HOLDINGS

1. The government's detention of Arango violated due process because the record contained no evidence that an individualized custody determination was made before or contemporaneously with her December 3 arrest.
2. Arango's due process rights were violated because she was not served with a Notice to Appear until two days after her arrest, and two days was not contemporaneous within the meaning of the governing regulation.
3. Arango was not required to exhaust administrative remedies because the available custody-review process was deficient from the outset; alternatively, exhaustion was excused because she raised a substantial constitutional question and post-deprivation review would have been inadequate.

KEY QUOTATIONS

“But before the Government may exercise such discretion to detain a person, Section 1226(a) and 8 C.F.R. 1236.1(c)(8) require ICE officials to make an individualized custody determination.”

“This is not a failure to exhaust case.”

“Arango “is not required to exhaust a process that was deficient from the outset.””

FACTUAL BACKGROUND

Arango, a Colombian citizen who had overstayed a B1/B2 visitor visa, had a pending asylum application and a pending adjustment-of-status application based on an approved I-130 petition filed by her U.S.-citizen daughter. DHS arrested her on December 3, 2025, at an asylum interview appointment under an I-200 warrant, without evidence of an individualized custody determination made before or contemporaneously with the arrest. She was not served with a Notice to Appear until December 5, and repeated transfers by ICE prevented scheduled immigration-court bond hearings from occurring.

PROCEDURAL HISTORY

Arango was arrested by DHS on December 3, 2025, after appearing for an asylum interview, and was served with a Notice to Appear two days later. She filed a habeas petition on December 5, while immigration-court bond hearings were repeatedly canceled or rendered unavailable because ICE transferred her among jurisdictions. The district court held a hearing, found constitutional violations in the arrest and detention process, rejected the exhaustion defense, granted the writ, and ordered immediate release.

DISPOSITION

writ_granted

CASES CITED

- Lopez Benitez v. Francis, 795 F. Supp. 3d 475, 492 (S.D.N.Y. 2025)
- Gopie v. Lyons, No. 25-CV-05229 (SJB), 2025 WL 3167130, at *1-*3 (E.D.N.Y. Nov. 13, 2025)
- Kelly v. Almodovar, No. 25 Civ. 6448 (AT), 2025 WL 2381591, at *3 (S.D.N.Y. Aug. 15, 2025)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-new-york-united-states-district-court-for-t/2025/luz-dary-hinestroza-arango-v-kenneth-genalo-todd-m-lyons-k9nc7c4f>