

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, OWENSBORO DIVISION

Fernando Gonzalez Gonzalez v. Mike Lewis, et al.

Gonzalez · No. 4:26-cv-313-RGJ · Decided May 11, 2026

SUMMARY

The United States District Court for the Western District of Kentucky grants Fernando Gonzalez Gonzalez’s petition for a writ of habeas corpus. The court holds that 8 U.S.C. § 1226, rather than § 1225(b)(2), governs his detention because he was not seeking admission to the United States. It concludes that his continued detention without a neutral bond hearing violated due process and orders his immediate release, subject to a bond hearing before an immigration judge before any re-detention.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Owensboro Division
JURISDICTION	United States District Court for the Western District of Kentucky, Owensboro Division
DECIDED	May 11, 2026
DOCKET	4:26-cv-313-RGJ
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention and requesting release or a bond hearing.
STANDARD OF REVIEW	The court applied the Mathews v. Eldridge three-factor balancing test to determine whether continued civil detention violated due process. It reviewed the statutory detention classification under the text and structure of the Immigration and Nationality Act.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court opinion
PARTIES	Fernando Gonzalez Gonzalez v. Mike Lewis, et al.

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- procedural due process
- statutory interpretation

PRACTICE AREAS

immigration law

federal habeas corpus

constitutional law

civil detention

QUESTIONS PRESENTED

1. Whether Gonzalez was subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) or detention under 8 U.S.C. § 1226.
2. Whether Gonzalez's continued immigration detention without an individualized merits bond hearing violated the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act.
3. Whether habeas relief should require immediate release and a bond hearing before a neutral immigration judge before any re-detention.

HOLDINGS

1. Section 1226, rather than § 1225(b)(2)(A), governed Gonzalez's detention because he was not seeking admission to the United States within the meaning of § 1225(b)(2)(A).
2. Gonzalez's continued detention violated the Due Process Clause and the INA because he had not received an individualized merits bond hearing before a neutral immigration judge.
3. The appropriate remedy was immediate release from the unlawful detention, followed by a bond hearing on the merits before a neutral immigration judge before any re-detention.

KEY QUOTATIONS

“In sum, the plain meaning of “seeking admission” in Section 1225(b)(2)(A)— presently pursuing lawful entry into the United States—is not undermined by any of the other statutory provisions to which the government retreats to find support. Therefore, we find no basis to justify departing from the unambiguous meaning of the text, under which Petitioner is not subject to mandatory detention, because he is not “seeking admission” under Section 1225(b)(2)(A).” (Section II.A)

“The current detention of Gonzalez is in violation of the Due Process Clause and the INA.” (Section II.B.3)

“Gonzalez is not being released because he is detained pursuant to Section 1226. But instead, the Court is ordering his release because of the United States’ illegal actions it undertook in Gonzalez’s detention.” (Section III)

FACTUAL BACKGROUND

Fernando Gonzalez Gonzalez, a 34-year-old Mexican citizen, had lived in the United States since entering without inspection in August 2008. After a state arrest for operating a moped without a license, ICE lodged a detainer, took him into custody on April 27, 2026, issued an arrest warrant and Notice to Appear, and placed him in removal proceedings. ICE treated him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), while Gonzalez argued that § 1226 governed and that continued detention without an individualized bond hearing violated due process. He had no criminal convictions, and the government did not demonstrate that he posed a flight risk or danger to the community.

PROCEDURAL HISTORY

Gonzalez was detained by ICE after a state arrest and placed in removal proceedings. He filed a habeas petition; the respondents opposed it and incorporated arguments from related Sixth Circuit appeals. The parties agreed that no evidentiary hearing was necessary. The district court granted the petition, ordered immediate release, required a bond hearing before a neutral immigration judge before any re-detention, and required certification of compliance.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The United States must immediately release Gonzalez, provide him with a bond hearing on the merits before a neutral immigration judge pursuant to § 1226 before any re-detention, and certify compliance on the docket by May 12, 2026.

CASES CITED

- *Edahi v. Lewis*, 2025 WL 3466682, at *2-*3, *5-*13 (W.D. Ky. Nov. 27, 2025)
- *Vicen v. Lewis*, 2026 WL 541171, at *2-*9 (W.D. Ky. Feb. 26, 2026)
- *Cunha v. Freden*, 2026 WL 1146044 (2d Cir. Apr. 28, 2026)
- *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 508 (5th Cir. 2026)
- *Avila v. Bondi*, 170 F.4th 1128, 1138 (8th Cir. 2026)
- *Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1062 (7th Cir. 2025)
- *Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 2026 WL 1223250, at *9-*21 (7th Cir. May 5, 2026)
- *Jennings v. Rodriguez*
- *A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025)
- *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)
- *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)
- *Munoz Materano*, 2025 WL 2630826, at *15, *20
- *Sampiao*, 2025 WL 2607924, at *12
- *Hyppolite v. Noem*, 2025 WL 2829511, at *15-*16 (E.D.N.Y. Oct. 6, 2025)
- *Günaydin v. Trump*, 2025 WL 1459154, at *10 (D. Minn. May 21, 2025)
- *Thuraissigiam*, 591 U.S. at 107
- *Matter of Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006)
- *Lopez-Arevelo v. Ripa*, 2025 WL 2691828, at *12 (W.D. Tex. Sept. 22, 2025)
- *Black v. Decker*, 103 F.4th 133, 149-150 (2d Cir. 2024)
- *Maldonado*, 2025 WL 2968042, at *9-*10

- Morales-Martinez v. Raycraft, 2025 WL 3124695, at *7 (E.D. Mich. Nov. 7, 2025)

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