

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Andrey Nossov v. Angela Hoover, et al.

Civil Action No. 1:25-2562 (M.D. Pa. Mar. 13, 2026) · No. 1:25-cv-02562 · Decided March 13, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania grants Andrey Nossov’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court holds that Nossov, who had lived in the United States after being paroled and was not actively seeking admission, was subject to discretionary detention under 8 U.S.C. § 1226(a), rather than mandatory detention under § 1225(b)(2) (A). The court finds that his continued detention without a bond hearing violated procedural due process and orders his immediate release, while imposing conditions governing any future detention.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Malachy E. Mannion
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 13, 2026
DOCKET	1:25-cv-02562
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without a bond hearing.
STANDARD OF REVIEW	Habeas review under 28 U.S.C. § 2241; the court applied statutory interpretation to determine the governing detention provision and the Mathews v. Eldridge procedural due process balancing test.
PRECEDENTIAL VALUE	unpublished district court opinion; persuasive authority only
PARTIES	Andrey Nossov v. Angela Hoover, et al.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether 8 U.S.C. §§ 1252(g), 1252(b)(9), or 1252(a)(2)(B)(ii) deprived the district court of jurisdiction over Nossov's § 2241 challenge to his immigration detention.
2. Whether exhaustion of administrative remedies was required before the court could consider Nossov's habeas petition.
3. Whether a noncitizen who entered the United States, was paroled, and resided in the country for an extended period remained subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), or instead was subject to discretionary detention under § 1226(a).
4. Whether Nossov's continued detention without a bond hearing violated procedural due process.
5. Whether Nossov could seek attorneys' fees and costs under the Equal Access to Justice Act.

HOLDINGS

1. The court had jurisdiction under 28 U.S.C. § 2241 because Nossov challenged the legality of his detention rather than the commencement of removal proceedings, adjudication of his case, execution of a removal order, or a final removal order.
2. Exhaustion was not required because further administrative review would have been futile where Nossov was detained under § 1225(b)(2)(A), which the court determined precluded an immigration judge from conducting a bond hearing.
3. Section 1225(b)(2)(A)'s mandatory detention provision did not apply to Nossov because, after entering the United States, being paroled, and residing in the country for years, he was not actively and presently seeking admission.
4. Nossov's continued detention without a bond hearing violated procedural due process.
5. Nossov may file a motion for attorneys' fees and costs under the Equal Access to Justice Act within thirty days after entry of judgment.

KEY QUOTATIONS

“The overwhelming majority of federal district courts that have addressed this issue have interpreted the INA to find that persons similarly situated to Petitioner—noncitizens who previously entered the United States and are currently residing in the United States—are not subject to the mandatory detention provision of 8 U.S.C. § 1225(b)(2)(A) but instead are subject to the discretionary detention pursuant to 8 U.S.C. § 1226(a) and accordingly are entitled to a bond hearing.” (at 6)

“The consensus view of the courts is that “seeking admission” requires “active and ongoing conduct, such as physically attempting to come into the United States at a border or port of entry.”” (at 8)

FACTUAL BACKGROUND

Andrey Nossov, a citizen of Kazakhstan, entered the United States at a port of entry on September 28, 2023, applied for asylum, withholding of removal, and Convention Against Torture protection, and was paroled into the country. He resided and worked in the United States for approximately two years before Immigration and Customs Enforcement detained him on September 1, 2025. He was detained under 8 U.S.C. § 1225(b)(2)(A), without access to a bond hearing; he had no criminal record and no asserted indications of flight risk or danger to the community.

PROCEDURAL HISTORY

Nossov filed a § 2241 habeas petition on December 31, 2025, challenging his detention under 8 U.S.C. § 1225(b)(2)(A). The court ordered respondents to show cause, respondents filed a response, and Nossov filed a reply. The court granted the petition and ordered his immediate release, injunctive relief against detention under § 1225(b), and specified procedures if he were later detained under § 1226.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must immediately release Nossov and are permanently enjoined from re-detaining him under 8 U.S.C. § 1225(b). They are temporarily enjoined from re-arresting him for fourteen days. If Nossov is later detained under § 1226, respondents must provide notice and arrange an individualized bond hearing before an immigration judge within ten days; if they fail to do so, Nossov may reopen the matter. Respondents must also file a declaration or affidavit under 28 U.S.C. § 1746 confirming his release.

CASES CITED

- *Goins v. Brierley*, 464 F.2d 947, 949 (3d Cir. 1972)
- *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999)
- *E.O.H.C. v. Sec'y United States Dep't of Homeland Sec.*, 950 F.3d 177, 186 (3d Cir. 2020)
- *Patel v. O'Neil*, 2025 WL 3516865, at *3-*5 (M.D. Pa. Dec. 8, 2025)
- *Demirel v. Fed. Det. Ctr. Philadelphia*, 2025 WL 3218243, at *1
- *Vadel v. Lowe*, 2025 WL 3772059, at *3 (M.D. Pa. Dec. 31, 2025)
- *Kashranov v. Jamison*, 2025 WL 3188399, at *3 (E.D. Pa. Nov. 14, 2025)
- *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)
- *Bethancourt v. Soto*, 2025 WL 2976572, at *5 (D.N.J. Oct. 22, 2025)
- *Gonzalez Centeno v. Lowe*, 2026 WL 94642, at *3 (M.D. Pa. Jan. 13, 2026)
- *Quispe v. Rose*, 2025 WL 3537279, at *5, *7 (M.D. Pa. Dec. 10, 2025)
- *Zadvydas v. Davis*, 533 U.S. 678, 690, 693 (2001)
- *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)

- Cunin v. McShane, 2025 WL 3542999, at *2 (M.D. Pa. Dec. 10, 2025)
- Michelin v. Warden Moshannon Valley Correctional Center, 2026 WL 263483 (3d Cir. Feb. 2, 2026)

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