

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Shokyrzhon Molobayev v. Brian English

Molobayev · No. No. 3:26-CV-416-CCB-SJF · Decided April 20, 2026

SUMMARY

The court conditionally granted Shokyrzhon Molobayev’s 28 U.S.C. § 2241 petition challenging his immigration detention without a bond hearing. It held that the mandatory-detention provision of 8 U.S.C. § 1225(b)(2) did not apply to him because he was arrested in the interior of the United States years after his arrival, and that detention was instead governed by 8 U.S.C. § 1226(a). The court ordered the government to provide an individualized bond hearing or release him by April 28, 2026.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Cristal C. Brisco
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	April 20, 2026
DOCKET	No. 3:26-CV-416-CCB-SJF
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without an opportunity for a bond hearing.
STANDARD OF REVIEW	The court determined whether the detention was authorized by the applicable immigration detention statutes and whether habeas relief was warranted.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court opinion
PARTIES	Shokyrzhon Molobayev v. Brian English

TOPICS

- immigration detention
- removal proceedings
- statutory interpretation
- immigration
- civil procedure

PRACTICE AREAS

immigration law

habeas corpus

immigration detention

statutory interpretation

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2) mandates detention of a noncitizen who entered without inspection but was arrested in the interior of the United States years after arrival.
2. Whether Molobayev was entitled to an individualized bond hearing under 8 U.S.C. § 1226(a).
3. Whether the court should order outright release or instead require the government to provide a bond hearing.

HOLDINGS

1. The mandatory-detention provision in 8 U.S.C. § 1225(b)(2) does not apply to individuals like Molobayev who are arrested within the United States years after their arrival.
2. Because Molobayev was detained under § 1226(a), he was entitled to a prompt individualized bond hearing under that statute and its implementing regulations.
3. The appropriate remedy was an order requiring a prompt individualized bond hearing, rather than immediate outright release; however, Molobayev had to be released if the government failed to provide the hearing.

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. Molobayev who are arrested within the United States years after their arrival.”

“However, if the government does not provide him with an individualized bond hearing, then he must be released, because his continued detention without an opportunity for bond is unlawful.”

FACTUAL BACKGROUND

Molobayev, a native of Kazakhstan, entered the United States without inspection in September 2022 and was temporarily paroled until November 2022. After settling in New York, he was arrested by ICE agents in October 2025 pursuant to an administrative warrant and placed in removal proceedings. He was detained at Miami Correctional Facility without an individualized bond hearing because officials treated him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

PROCEDURAL HISTORY

Molobayev filed a § 2241 habeas petition alleging that his continued immigration detention was unlawful. The court issued an order to show cause, the Warden answered, and Molobayev filed a reply. The court conditionally granted the petition and ordered release unless the government provided an individualized bond hearing under § 1226(a).

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The respondent was ordered to release Molobayev on or before April 28, 2026, unless the government first provided an individualized bond hearing pursuant to 8 U.S.C. § 1226 and corresponding regulations. The respondent was ordered to file proof of compliance by April 30, 2026.

CASES CITED

- De Jesús Aguilar v. English, No. 3:25-CV-898 DRL-SJF, 2025 WL 3280219 (N.D. Ind. Nov. 25, 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)
- Castanon-Nava v. U.S. Dep't of Homeland Sec., 161 F.4th 1048, 1061 (7th Cir. 2025)
- Buenrostro-Mendez v. Bondi, 166 F.4th 494 (5th Cir. 2026)
- Avila v. Bondi, ___ F.4th ___, 2026 WL 819258 (8th Cir. Mar. 25, 2026)
- Jennings v. Rodriguez, 583 U.S. 281, 303, 306 (2018)
- Cornejo Rivera v. Olson, No. 3:25-CV-1090-CCB-SJF, 2026 WL 81753 (N.D. Ind. Jan. 12, 2026)
- Bolante v. Keisler, 506 F.3d 618, 621 (7th Cir. 2007)
- Clark v. Sweeney, 607 U.S. 7, 9 (2025)
- K.C. v. Individual Members of Med. Licensing Bd. of Indiana, 121 F.4th 604, 631 (7th Cir. 2024)