

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, NORFOLK DIVISION

Michael A. Martinez Aviles v. Immigration & Customs Enforcement,
et al.

Aviles · No. 2:26-cv-169 · Decided March 10, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia held that Michael Alejandro Martinez Aviles, a noncitizen detained by ICE after entering the United States without inspection, was subject to discretionary detention under 8 U.S.C. § 1226(a), rather than mandatory detention under § 1225(b)(2)(A). The court granted the habeas petition and ordered Respondents to provide Petitioner with a bond hearing within fourteen days. Respondents were also ordered to file a status report within three days after the hearing.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Norfolk Division
WRITING FOR THE COURT	Elizabeth W. Hanes
JURISDICTION	United States District Court for the Eastern District of Virginia, Norfolk Division
DECIDED	March 10, 2026
DOCKET	2:26-cv-169
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking release or a bond hearing.
PRECEDENTIAL VALUE	Unknown; memorandum order from a federal district court.
PARTIES	Michael A. Martinez Aviles v. Immigration & Customs Enforcement, et al.

TOPICS

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

PRACTICE AREAS

immigration detention

immigration habeas corpus

constitutional due process

QUESTIONS PRESENTED

1. Whether a noncitizen who entered the United States without inspection is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) or discretionary detention under 8 U.S.C. § 1226(a).
2. Whether Petitioner was entitled to a bond hearing before an Immigration Judge under 8 U.S.C. § 1226(a).
3. Whether Petitioner's continued detention without a bond hearing violated due process.

HOLDINGS

1. Petitioner was not seeking admission for purposes of § 1225(b)(2) and was instead an alien already in the country subject to the discretionary detention provisions of § 1226(a).
2. Because § 1226(a) governed his detention, Petitioner was entitled to a bond hearing before an Immigration Judge.
3. Petitioner's continued detention without a bond hearing violated his due process rights.

KEY QUOTATIONS

“Based on this Court’s review of the filings in this case and the arguments made in Duarte Escobar, Petitioner is not “seeking admission” for purposes of § 1225(b)(2) and instead falls into the category of “aliens already in the country” subject to the discretionary detention provisions in § 1226(a).”

“Accordingly, the discretionary detention provisions of 8 U.S.C. § 1226(a) apply in this case, and therefore Petitioner’s continued detention without a bond hearing is unlawful and violates Petitioner’s due process rights.”

FACTUAL BACKGROUND

Petitioner, a noncitizen detained by ICE, entered the United States without inspection and was taken into ICE custody on August 18, 2025. He had remained detained at the Washington Field Office without a bond hearing. He sought release or, alternatively, a bond hearing under 8 U.S.C. § 1226. The Court treated the factual and legal issues as materially indistinguishable from those addressed in Duarte Escobar.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition alleging that ICE unlawfully detained him and denied him a bond hearing. The Court ordered Respondents to address whether the factual and legal issues differed materially from those in Duarte Escobar v. Perry. Respondents stated that there was no material difference and incorporated their arguments from that case. The Court granted the petition and ordered a bond hearing before an Immigration Judge within fourteen days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Petitioner a bond hearing before an Immigration Judge within fourteen days of the order. Respondents must file a status report within three days after the hearing stating whether bond was granted and, if denied, the case-specific reasons provided by the Immigration Judge.

CASES CITED

- Duarte Escobar v. Perry, et al., 807 F. Supp. 3d 564 (E.D. Va. 2025)
- Hasan v. Crawford, 800 F. Supp. 3d 641, 651-57 (E.D. Va. 2025)
- Landon v. Plasencia, 459 U.S. 21, 32 (1982)
- Zadvydas v. Davis, 533 U.S. 678, 693 (2001)