

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, NORTHERN DIVISION AT COVINGTON

Jamila Issahaku v. Samuel Olson, et al.

Civil Action No. 25-180-DLB · No. Civil Action No. 25-180-DLB · Decided December 10, 2025

SUMMARY

The United States District Court for the Eastern District of Kentucky considers Jamila Issahaku’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging her immigration detention. The court holds that 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in § 1225(b)(2) (A), governs the detention of a noncitizen who has been residing in the United States and is subject to removal proceedings. The court grants the petition requesting bond or a bond hearing and proceeds to address the petitioner’s due process claim.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Northern Division at Covington
WRITING FOR THE COURT	David L. Bunning
JURISDICTION	United States District Court for the Eastern District of Kentucky
DECIDED	December 10, 2025
DOCKET	Civil Action No. 25-180-DLB
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, alternatively, a bond hearing.
STANDARD OF REVIEW	De novo statutory interpretation; constitutional due process analysis under the three-part balancing test of Mathews v. Eldridge.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion and order; nonprecedential.
PARTIES	Jamila Issahaku v. Samuel Olson, Kristi Noem, Pamela Bondi, Todd M. Lyons, James A. Daley

TOPICS

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

PRACTICE AREAS

immigration

habeas corpus

immigration detention

constitutional law

QUESTIONS PRESENTED

1. Whether Issahaku's detention was governed by the mandatory-detention provision in 8 U.S.C. § 1225(b)(2)(A) or the discretionary detention and bond-hearing provision in 8 U.S.C. § 1226(a).
2. Whether detention of Issahaku without an opportunity for an individualized bond hearing violated the Fifth Amendment's Due Process Clause.
3. Whether habeas relief under 28 U.S.C. § 2241 was available to challenge the lawfulness of Issahaku's immigration detention.

HOLDINGS

1. Section 1226(a), not § 1225(b)(2)(A), governs Issahaku's detention because she was already residing in the United States and was not an arriving noncitizen actively seeking admission when DHS arrested her.
2. Issahaku's detention without an individualized bond hearing violated the Fifth Amendment's Due Process Clause, and she was entitled to an individualized custody determination.
3. The district court had authority under 28 U.S.C. § 2241 to consider Issahaku's challenge to the lawfulness of her executive detention and to order release or other appropriate relief.

KEY QUOTATIONS

“The plain language of the statutes, the overall structure, the intent of Congress, and over 30 years of agency action make clear that Section 1226(a) is the appropriate statutory framework ... for noncitizens who are already in the country and facing removal.”

“Accordingly, all three factors weigh in favor of Petitioner.”

FACTUAL BACKGROUND

Jamila Issahaku, a citizen of Ghana, entered or arrived in the United States in approximately April 2024 and was released on her own recognizance shortly thereafter. She was placed in removal proceedings, later filed an asylum application, and was arrested by DHS on October 27, 2025, during a routine check-in. The arrest warrant contained a different name and did not identify the basis for arrest. She was detained without a bond hearing at the Campbell County Detention Center while removal proceedings remained pending.

PROCEDURAL HISTORY

Issahaku, a Ghanaian citizen in removal proceedings, was arrested by DHS during a routine check-in and detained at the Campbell County Detention Center. She filed a § 2241 habeas petition, arguing that her detention was governed by the discretionary detention provisions of 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in § 1225(b)(2)(A), and that detention without a bond hearing violated due process. After respondents filed responses and Issahaku filed a reply, the district court granted the petition and ordered immediate release or a bond hearing within seven days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents were ordered to immediately release Issahaku or, alternatively, provide her with a bond hearing under 8 U.S.C. § 1226(a) within seven days of the order. Respondents were also ordered to file a status report by December 17, 2025, certifying compliance and reporting the outcome and reasons for any bond denial.

CASES CITED

- *Munaf v. Geren*, 553 U.S. 674 (2008)
- *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004)
- *Rasul v. Bush*, 542 U.S. 466 (2004)
- *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024)
- *Walters v. Metro. Educ. Enters., Inc.*, 519 U.S. 202 (1997)
- *Roberts v. Sea-Land Servs., Inc.*, 566 U.S. 93 (2012)
- *Dubin v. United States*, 599 U.S. 110 (2023)
- *Jennings v. Rodriguez*, 583 U.S. 281 (2018)
- *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1 (2020)
- *Stone v. I.N.S.*, 514 U.S. 386 (1995)
- *Star Athletica, LLC v. Varsity Brands, Inc.*, 580 U.S. 405 (2017)
- *Mathews v. Eldridge*, 424 U.S. 319 (1976)
- *A.A.R.P. v. Trump*, 605 U.S. 91 (2025)
- *Barrera v. Tindall*, No. 3:25-cv-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025)
- *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025)
- *Edahi v. Lewis*, No. 4:25-cv-129-RGJ, 2025 WL 3466682 (W.D. Ky. Nov. 27, 2025)
- *J.G.O. v. Francis*, No. 25-cv-7233, 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025)
- *Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025)
- *Diaz v. Martinez*, 792 F. Supp. 3d 211 (D. Mass. 2025)
- *Ochoa Ochoa v. Noem*, No. 25-cv-10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025)
- *Santos Francos v. Raycraft*, No. 2:25-cv-13188, 2025 WL 2977118 (E.D. Mich. Oct. 21, 2025)
- *Benitez v. Francis*, 795 F. Supp. 3d 475 (S.D.N.Y. 2025)
- *Navarrete v. Noem*, No. 4:25-cv-157-DJH, 2025 WL 3298081 (W.D. Ky. Nov. 26, 2025)
- *Meija Olalde v. Noem*, No. 1:25-cv-00168-JMD, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025)
- *Rojas v. Olson*, No. 25-cv-1437-bhl, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025)
- *Sandoval v. Acuna*, No. 6:25-cv-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025)
- *United States v. Taylor*, 596 U.S. 845 (2022)

