

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MISSOURI, SOUTHERN DIVISION

Oscar Oswaldo Lopez Pacheco v. Jim Arnott, et al.

Lopez Pacheco · No. 6:26-cv-3192-MDH · Decided April 9, 2026

SUMMARY

The United States District Court for the Western District of Missouri grants Oscar Oswaldo Lopez Pacheco's petition for a writ of habeas corpus. The court holds that his continued immigration detention without individualized custody review violates procedural due process under the Fifth Amendment and orders his immediate release. The court also permits him to seek attorneys' fees and costs under the Equal Access to Justice Act.

CASE DETAILS

COURT	United States District Court for the Western District of Missouri, Southern Division
WRITING FOR THE COURT	Douglas Harpool
JURISDICTION	United States District Court for the Western District of Missouri, Southern Division
DECIDED	April 9, 2026
DOCKET	6:26-cv-3192-MDH
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention and the termination of parole without prior written notice or a custody hearing. The district court granted the petition on Fifth Amendment procedural due process grounds and ordered immediate release.
STANDARD OF REVIEW	The court applied the three-factor balancing test for procedural due process under Mathews v. Eldridge, considering the private liberty interest, the risk of erroneous deprivation and value of additional safeguards, and the government's interest and administrative burden.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Oscar Oswaldo Lopez Pacheco v. Jim Arnott, et al.

TOPICS

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federal habeas corpus

procedural due process

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether continued immigration detention of a three-year resident without an individualized custody or bond hearing violated the Fifth Amendment Due Process Clause.
2. Whether issuance of a Notice to Appear alone satisfied petitioner's procedural due process rights.
3. Whether immediate release, rather than a bond hearing, was an appropriate habeas remedy under the circumstances.
4. Whether petitioner could pursue attorneys' fees and costs under the Equal Access to Justice Act.

HOLDINGS

1. The continued detention of petitioner without an opportunity for individualized review of the basis for detention, danger, or flight risk violated the Fifth Amendment's procedural due process guarantee.
2. The issuance of a Notice to Appear did not, by itself, satisfy petitioner's procedural due process rights where the government continued to detain him without any individualized custody review.
3. Immediate release was appropriate because ordering a bond hearing would be futile under the court's understanding of the governing immigration authorities and no alternative mechanism for individualized custody review existed.
4. Petitioner may pursue an application for reasonable attorneys' fees and costs under the Equal Access to Justice Act because the court found the government's position was not substantially justified.

KEY QUOTATIONS

“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the [Due Process] Clause protects.”

“The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.”

“This is not minimal process. It is zero process.”

FACTUAL BACKGROUND

Petitioner, a twenty-seven-year-old Guatemalan national, entered the United States in 2023 and lived there for more than three years. ICE detained him without a warrant on February 8, 2026, placed him in removal proceedings, and continued his detention without permitting bond or other release conditions. He had received no bond redetermination hearing, and the record identified no criminal record, danger, or flight risk.

PROCEDURAL HISTORY

Petitioner was detained by ICE without a warrant on February 8, 2026, placed in removal proceedings, and continued in detention without a bond redetermination hearing. After full briefing on statutory and constitutional grounds, the district court held that the statutory issue was controlled by a recent Eighth Circuit panel decision but concluded that continued detention without individualized custody review violated procedural due process. The court granted habeas relief and ordered immediate release, accommodations, and related relief.

DISPOSITION

writ_granted

CASES CITED

- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103 (2020)
- Demore v. Kim, 538 U.S. 510, 518, 123 S. Ct. 1708, 1714, 155 L. Ed. 2d 724 (2003)
- Zadvydas v. Davis, 533 U.S. 678, 679 (2001)
- Mathews v. Eldridge, 424 U.S. 319, 333, 335, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976)
- Hamdi v. Rumsfeld, 542 U.S. 507, 529, 124 S. Ct. 2633, 159 L. Ed. 2d 578 (2004)
- Velasco Lopez v. Decker, 978 F.3d 842, 851 (2d Cir. 2020)
- Alfonzo-Mujiuca v. Thompson, Case No. SA-26-CA-00457-XR (W.D. Tex. Mar. 13, 2026)
- Goldberg v. Kelly, 397 U.S. 254, 268 (1970)
- Demore v. Kim, 538 U.S. 510, 531-32 (2003) (Kennedy, J., concurring)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Commissioner, I.N.S. v. Jean, 496 U.S. 154, 163 (1990)
- Boudin v. Thomas, 732 F.2d 1107, 1114 (2d Cir. 1984)