

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Nicolas Palma Moya v. Philip Rhoney, et al.

Palma Moya · No. 6:25-CV-06823-EAW · Decided February 19, 2026

SUMMARY

The United States District Court for the Western District of New York granted Nicolas Palma Moya’s 28 U.S.C. § 2241 petition to the extent he sought a bond hearing while detained in ICE custody. The court ordered an immigration-judge hearing and required the government to prove dangerousness or flight risk by clear and convincing evidence, with consideration of less-restrictive alternatives and the petitioner’s ability to pay. The court also substituted Philip Rhoney for Joseph Freden as respondent and ordered a status update.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Elizabeth A. Wolford
JURISDICTION	United States District Court for the Western District of New York
DECIDED	February 19, 2026
DOCKET	6:25-CV-06823-EAW
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner, a civil immigration detainee held in ICE custody pending removal proceedings, sought habeas relief under 28 U.S.C. § 2241 and a bond hearing. The district court granted the petition to the extent it sought a bond hearing.
STANDARD OF REVIEW	The court applied the balancing test from Mathews v. Eldridge, 424 U.S. 319 (1976), to the procedures governing Petitioner's continued immigration detention.
PRECEDENTIAL VALUE	unpublished
PARTIES	Nicolas Palma Moya v. Philip Rhoney, in his official capacity as Deputy Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al.

TOPICS

immigration detention

removal proceedings

procedural due process

due process

immigration

PRACTICE AREAS

immigration detention

habeas corpus

constitutional due process

immigration law

QUESTIONS PRESENTED

1. Whether Petitioner was entitled to a bond hearing as a matter of constitutional due process while detained pending removal proceedings.
2. What procedural protections and burden of proof must govern any bond hearing addressing Petitioner's continued detention.

HOLDINGS

1. Petitioner was entitled to a bond hearing under the due process balancing framework of *Mathews v. Eldridge*.
2. To continue Petitioner's detention after the bond hearing, the government must establish by clear and convincing evidence that Petitioner presents an identified and articulable risk of flight or a threat to another person or the community, and that no condition or combination of conditions of release can reasonably ensure his appearance and community safety.

KEY QUOTATIONS

“The government shall have the burden to demonstrate dangerousness or flight risk by clear and convincing evidence.”

“Thus, in order to continue Petitioner’s detention after any bond hearing, the IJ must find by clear and convincing evidence and make findings that no condition or combination of conditions of release can reasonably ensure Petitioner’s appearance and the safety of the community”

FACTUAL BACKGROUND

Petitioner Nicolas Palma Moya was detained in the custody of U.S. Immigration and Customs Enforcement at the Buffalo Federal Detention Facility in Batavia, New York. He was being held pending removal proceedings and alleged that his detention violated the United States Constitution. He sought relief under 28 U.S.C. § 2241, including a bond hearing.

PROCEDURAL HISTORY

Nicolas Palma Moya filed a § 2241 petition challenging his immigration detention. After hearing oral argument, the district court ordered that he receive a bond hearing before an immigration judge and directed the respondents to file a status update. The court stated that a more detailed decision explaining the reasons for the order would issue later.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

An immigration judge must conduct a bond hearing on or before February 26, 2026, subject to a reasonable continuance requested by Petitioner. The government must prove dangerousness or flight risk by clear and convincing evidence. The immigration judge must consider less-restrictive alternatives, Petitioner's ability to pay, and alternative release conditions. Respondents must file a status update with the district court by March 2, 2026.

CASES CITED

- Mathews v. Eldridge, 424 U.S. 319 (1976)

OPINION

Freden

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NEW YORK

NICOLAS PALMA MOYA,

Petitioner, ORDER v. 6:25-CV-06823-EAW PHILIP RHONEY, in his official capacity as Deputy Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al., 1 Respondents. Petitioner Nicolas Palma Moya (“Petitioner”) is a civil immigration detainee alleging that he is being detained in United States Immigration and Customs Enforcement (“ICE”) custody pending removal proceedings in violation of the United States Constitution. (Dkt. 1). He seeks relief under 28 U.S.C. § 2241. (Id.). Petitioner is being held at the Buffalo Federal Detention Facility in Batavia, New York. (Id. at ¶ 6). Oral argument on the petition was heard on February 19, 2025. A more detailed decision will be issued in due course clarifying the reasons for this Order, but having considered the parties’ respective positions, and after considering the balancing test set 1 Philip Rhoney is the Acting Deputy Field Office Director of the Buffalo Field Office of the United States Immigration and Customs Enforcement and thus he is substituted as Respondent in place of Joseph Freden pursuant to Federal Rule of Civil Procedure 25(d). The Clerk of Court is directed to update the docket to reflect this substitution. forth in Mathews v. Eldridge, 424 U.S. 319 (1976), the Court grants the petition to the extent that Petitioner seeks a bond hearing, and a bond hearing shall be conducted in accordance with the following terms:

1. Petitioner shall be granted a bond hearing before an immigration judge (“IJ”) on or before February 26, 2026. If Petitioner requests a continuance that results in a bond hearing date outside this deadline, such a continuance will comply with this Order as long as the new date falls within a reasonable time period.
2. The government shall have the burden to demonstrate dangerousness or

flight risk by clear and convincing evidence. In deciding whether the government has met its burden of proof, the IJ must consider whether less-restrictive alternatives to detention can reasonably address the government's interest in Petitioner's continued detention.

3. If the IJ finds that the government has not met its burden, then in setting any bond the IJ must consider Petitioner's ability to pay and alternative conditions of release.

4. Thus, in order to continue Petitioner's detention after any bond hearing, the IJ must find by clear and convincing evidence and make findings that no condition or combination of conditions of release can reasonably ensure Petitioner's appearance and the safety of the community—that is, even with conditions, Petitioner presents an identified and articulable risk of flight or a threat to another person or the community.

5. Respondents are directed to file a status update with the Court on or before March 2, 2026.

SO ORDERED. 7)

LIZABETH A. WOLFORD

Chief Judge United States District Court Dated: February 19, 2026 Rochester, New York -3-