

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Pedro Araujo Dos Santos v. Philip Rhoney

Araujo Dos Santos · No. 6:25-CV-6800-EAW · Decided February 2, 2026

SUMMARY

The United States District Court for the Western District of New York grants an immigration detainee's amended 28 U.S.C. § 2241 petition to the extent he seeks a bond hearing. The Court directs that the hearing occur by February 9, 2026, requires the government to prove dangerousness or flight risk by clear and convincing evidence, and directs Respondents to file 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 2, 2026                                                                                                                                                                                                                                       |
| DOCKET                | 6:25-CV-6800-EAW                                                                                                                                                                                                                                       |
| DISPOSITION           | other                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Petitioner sought habeas relief under 28 U.S.C. § 2241, challenging his civil immigration detention pending removal proceedings and requesting a bond hearing. The district court granted the amended petition to the extent it sought a bond hearing. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                            |
| PARTIES               | Pedro Araujo Dos Santos v. Philip Rhoney, in his official capacity as Acting Deputy Field Office Director, Buffalo Field Office, Enforcement and Removal Operations, U.S. Immigration & Customs Enforcement, et al.                                    |

TOPICS

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

PRACTICE AREAS

- immigration
- immigration detention
- habeas corpus
- constitutional law

## QUESTIONS PRESENTED

1. Whether Petitioner's detention pending removal proceedings arose under 8 U.S.C. § 1225(b)(2) or § 1226.
2. Whether Petitioner was entitled to a bond hearing under the Due Process Clause.
3. Whether the government must prove dangerousness or flight risk by clear and convincing evidence at the bond hearing.

## HOLDINGS

1. Noncitizens present in the United States without having been admitted or paroled are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) on the circumstances identified by the court; instead, their detention is governed by 8 U.S.C. § 1226. The court also applied the rule that detention following the expiration of parole and an independent re-arrest arises under § 1226 rather than § 1225(b)(2).
2. Petitioner was entitled to a bond hearing before an immigration judge, and the amended habeas petition was granted to that extent.
3. The government must demonstrate dangerousness or flight risk by clear and convincing evidence. The immigration judge must consider whether less-restrictive alternatives can reasonably address the government's interests, and continued detention requires a finding that no condition or combination of conditions can reasonably ensure Petitioner's appearance and community safety.

## KEY QUOTATIONS

*“the government shall have the burden to demonstrate dangerousness or flight risk by clear and convincing evidence.”* (Order ¶ 2)

*“no condition or combination of conditions of release can reasonably ensure Petitioner’s appearance and the safety of the community”* (Order ¶ 4)

## FACTUAL BACKGROUND

Pedro Araujo Dos Santos was a civil immigration detainee held by ICE at the Buffalo Federal Detention Facility in Batavia, New York. He was detained pending removal proceedings and alleged that his detention violated the United States Constitution. The court treated his detention as arising under 8 U.S.C. § 1226 rather than mandatory detention under § 1225(b)(2), and ordered a bond hearing.

## PROCEDURAL HISTORY

Petitioner filed an amended § 2241 petition alleging that his detention in ICE custody violated the Constitution. The district court relied on its prior decisions addressing detention under 8 U.S.C. §§ 1225(b)(2) and 1226 and ordered an immigration-judge bond hearing under specified procedures. The court also substituted Philip Rhoney for Joseph Freden under Federal Rule of Civil Procedure 25(d), directed a status update, and canceled the scheduled oral argument.

## DISPOSITION

other

## REMAND INSTRUCTIONS

No remand was ordered. The court directed that an immigration judge conduct a bond hearing on or before February 9, 2026, subject to a reasonable continuance requested by Petitioner; directed Respondents to file a status update by February 12, 2026; and canceled the February 20, 2026 oral argument.

## CASES CITED

- Quituizaca Quituisaca v. Bondi, No. 6:25-CV-6527-EAW, 2025 WL 3264440 (W.D.N.Y. Nov. 24, 2025)
- Lieogo v. Freden, No. 6:25-CV-06615 EAW, 2025 WL 3290694 (W.D.N.Y. Nov. 26, 2025)
- Ivonin v. Rhoney, No. 6:25-CV-06673 EAW, 2026 WL 199283 (W.D.N.Y. Jan. 26, 2026)
- Mathews v. Eldridge, 424 U.S. 319 (1976)

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