

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

Marroquin v. Noem, et al.

Marroquin v. Noem, No. 26-219-DLB (E.D. Ky. May 28, 2026) · No. 26-219-DLB · Decided May 28, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky denied Dalila Doribel Marroquin’s petition for a writ of habeas corpus challenging her continued immigration detention. The court held that intervening Sixth Circuit authority concerning the applicable detention statute did not entitle Marroquin to a new bond hearing because the Immigration Judge had alternatively found her to be a danger and flight risk after considering the evidence. The court concluded that 8 U.S.C. § 1226(e) barred review of the discretionary bond determination and dismissed the matter.

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, Northern Division at Covington
DECIDED	May 28, 2026
DOCKET	26-219-DLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus challenging continued immigration detention and seeking immediate release or a new bond hearing.
STANDARD OF REVIEW	The court reviewed whether 8 U.S.C. § 1226(e) deprived it of jurisdiction over a challenge to the IJ’s discretionary bond determination. It could review challenges to the statutory detention framework, the extent of detention authority, or fundamental procedural defects, but not factual or discretionary challenges to the bond decision.
PRECEDENTIAL VALUE	Unknown; memorandum order and opinion from a federal district court.
PARTIES	Dalila Doribel Marroquin v. Kristi Noem, et al.

TOPICS

immigration detention

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subject matter jurisdiction

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the district court had jurisdiction under 8 U.S.C. § 1226(e) to review Marroquin's challenge to the IJ's discretionary denial of bond when the IJ made alternative findings that she was a danger and a flight risk.
2. Whether intervening Sixth Circuit authority concerning the applicability of 8 U.S.C. § 1226 rather than 8 U.S.C. § 1225 required a new bond hearing.

HOLDINGS

1. Section 1226(e) precludes district-court review of a discretionary application of § 1226(a) when the petitioner does not challenge the statutory detention framework, the extent of the government's detention authority, or the procedural fairness of the bond hearing.
2. An IJ's alternative finding that a detainee is a danger or flight risk supplies an independent basis for detention and is not unlawful merely because the IJ also ruled that the immigration court lacked authority to hear the bond request.

KEY QUOTATIONS

“Accordingly, the Court finds that the decision to deny bond in-the-alternative is a lawful discretionary decision made by the IJ after a full consideration of the evidence.”

“Because Petitioner challenges a discretionary application of § 1226(a) and fails to raise a cognizable challenge to the underlying statutory framework or the extent of the Government's detention authority, § 1226(e) precludes this Court's review.”

FACTUAL BACKGROUND

Marroquin, a Guatemalan citizen who entered the United States without inspection more than twenty years earlier, was detained by ICE after being cited for driving-related offenses in Indiana and Kentucky. DHS served her with a Notice to Appear, and she was not subject to a final removal order. At a bond redetermination hearing, the IJ considered evidence concerning her family, residence, employment, and finances, but denied bond, finding both that the immigration court lacked authority to hear the request and, alternatively, that Marroquin posed a danger and a flight risk.

PROCEDURAL HISTORY

Marroquin, a Guatemalan citizen detained by ICE and placed in removal proceedings, received a bond redetermination hearing before an Immigration Judge. The IJ initially concluded that the immigration court lacked authority to consider bond under *Matter of Yajure Hurtado*, but alternatively found that Marroquin was a danger and a flight risk. After the court denied Marroquin's earlier habeas petition as an impermissible challenge to the IJ's discretionary bond determination, Marroquin filed this second petition, arguing that intervening Sixth Circuit authority required a new custody review. The district court denied the petition and dismissed and struck the matter from its active docket.

DISPOSITION

dismissed

CASES CITED

- *Marroquin v. Noem*, 2026 WL 575222 (E.D. Ky. Mar. 2, 2026)
- *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)
- *Lopez-Campos et al. v. Raycraft et al.*, 2026 WL 1283891 (6th Cir. May 11, 2026)
- *Nielsen v. Preap*, 586 U.S. 392, 401 (2019)
- *Kumar v. Anda-Ybarra*, 2026 WL 753944, at *2 (W.D. Okla. Mar. 17, 2026)
- *Chiquito Barzola v. Warden, Delaney Hall Det. Facility Newark NJ*, 2025 WL 3443487, at *2 (D.N.J. Dec. 1, 2025)
- *Singh v. Blanche*, 2026 WL 915596, at *9 (W.D. Okla. Apr. 3, 2026)
- *Hernandez-Gabriel v. Tate*, 2026 WL 161192, at *4 (S.D. Tex. Jan. 20, 2026)
- *Perez Sierra v. Bondi*, 2026 WL 497070, at *3 (D.N.J. Feb. 23, 2026)
- *Soto-Medina v. Lynch*, 2026 WL 161002, at *2 (W.D. Mich. Jan. 21, 2026)
- *Jennings v. Rodriguez*, 583 U.S. 281, 295 (2018)
- *Demore v. Kim*, 538 U.S. 510, 516 (2003)

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