

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Abdullatiifu Matovu v. Markwayne Mullin, et al.

Matovu · No. CIV-26-630-SLP · Decided May 18, 2026

SUMMARY

This Report and Recommendation addresses a 28 U.S.C. § 2241 habeas petition challenging the immigration detention of Abdullatiifu Matovu, a Ugandan citizen. The magistrate judge concludes that Respondents arrested Matovu without first issuing a warrant or establishing that he was likely to escape before a warrant could be obtained, violating applicable statutory and regulatory requirements and due process. The recommendation advises granting the petition, ordering Matovu’s immediate release, requiring a compliance report, and prohibiting re-detention without notice and a pre-deprivation hearing.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Suzanne Mitchell
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	May 18, 2026
DOCKET	CIV-26-630-SLP
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging his immigration detention. The matter was referred to a magistrate judge for a report and recommendation under 28 U.S.C. § 636(b)(1)(B) and (C).
STANDARD OF REVIEW	A § 2241 habeas petition provides relief when a petitioner is in custody in violation of the Constitution, laws, or treaties of the United States. The report applied the Mathews v. Eldridge balancing factors to determine the process due before deprivation of Matovu's liberty interest.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Abdullatiifu Matovu v. Markwayne Mullin, et al.

TOPICS

federal habeas corpus immigration detention procedural due process due process removal proceedings

PRACTICE AREAS

immigration federal habeas corpus constitutional law administrative law

QUESTIONS PRESENTED

1. Whether Matovu's detention violated due process because immigration officials arrested him before issuing an arrest warrant or Notice to Appear and without determining that he was likely to escape before a warrant could be obtained.
2. Whether Matovu was entitled to release from immigration detention under 28 U.S.C. § 2241.
3. Whether the court needed to reach Matovu's claims under 8 U.S.C. § 1225(b)(2) and the Administrative Procedure Act.

HOLDINGS

1. The report concluded that Respondents lacked statutory authority to arrest Matovu under 8 U.S.C. § 1226 because they arrested him before issuing the Notice to Appear and before removal proceedings were pending. It further concluded that the arrest was unlawful because the warrant was issued after the arrest.
2. The report concluded that immigration officers may make a warrantless arrest only when they have individualized reason to believe that the noncitizen is likely to escape before a warrant can be obtained. Respondents failed to establish that such a determination was made before arresting Matovu.
3. The report concluded that Respondents violated Matovu's due process rights by summarily arresting and detaining him without a warrant, without a determination that he was likely to escape before a warrant could be obtained, and without adequate procedural safeguards.

KEY QUOTATIONS

“Generally, the warrant must be issued before the noncitizen’s arrest.” (6)

“Petitioner has lived in the United States for almost four years, is legally working, and has no criminal history. So, Petitioner should be released.” (8)

“The undersigned concludes Respondents breached their own regulations and violated Petitioner’s due process rights when they summarily arrested him without a warrant.” (13)

FACTUAL BACKGROUND

Matovu, a Ugandan citizen, entered the United States on October 2, 2022, on an A-2 diplomatic visa and later sought asylum and withholding of removal. He had no criminal history, possessed a valid work permit, and had not missed a court hearing. After an Oklahoma Highway Patrol stop on January 21, 2026, ICE took him into custody and transported him to jail; DHS served an arrest warrant the next day and a Notice to Appear on

January 23, 2026. Removal proceedings remained pending, with an individual hearing scheduled for June 23, 2026.

PROCEDURAL HISTORY

Matovu was arrested and detained by immigration authorities after an Oklahoma Highway Patrol stop and while removal proceedings were pending. He filed a § 2241 petition alleging due process, statutory, and Administrative Procedure Act violations. The magistrate judge recommended granting the petition, ordering Matovu's immediate release, requiring a compliance report, and prohibiting re-detention without notice and a pre-deprivation hearing before a neutral decision-maker, subject to the parties' right to object.

DISPOSITION

other

REMAND INSTRUCTIONS

The magistrate judge recommended that the district court grant the habeas petition, order Matovu's immediate release, require the Government to file a status report certifying compliance within ten business days of the court's order, promptly provide the order to counsel for the warden of the Cimarron Correctional Facility, and prohibit Respondents from re-detaining Matovu without notice and a pre-deprivation hearing before a neutral decision-maker.

CASES CITED

- Nasrallah v. Barr, 590 U.S. 573, 578 n.2 (2020)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Soberanes v. Comfort, 388 F.3d 1305, 1310 (10th Cir. 2004)
- Zadvydas v. Davis, 533 U.S. 678, 687-88, 690, 695 (2001)
- Trump v. J.G.G., 604 U.S. 670, 673 (2025)
- Johnson v. Guzman Chavez, 594 U.S. 523, 527 (2021)
- Johnson v. Arteaga-Martinez, 596 U.S. 573, 578 (2022)
- Jimenez-Perez v. U.S. Attorney General, 817 F. App'x 676, 680 (11th Cir. 2020)
- Jennings v. Rodriguez, 583 U.S. 281, 302 (2018)
- Florida v. United States, 660 F. Supp. 3d 1239, 1276 (N.D. Fla. 2023)
- Arizona v. United States, 567 U.S. 387, 408 (2012)
- Arango v. Genalo, 2025 WL 3637500, at *2 (E.D.N.Y. Dec. 16, 2025)
- Castañón Nava v. Department of Homeland Security, 806 F. Supp. 3d 823, 854 (N.D. Ill. 2025), *aff'd in part*, 2026 WL 1223250 (7th Cir. May 5, 2026)
- Ky. Department of Corrections v. Thompson, 490 U.S. 454, 460 (1989)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)
- Sanchez v. LaRose, 2025 WL 2770629, at *3 (S.D. Cal. Sept. 26, 2025)

- Iza v. Arnott, 2026 WL 67152, at *3 (W.D. Mo. Jan. 8, 2026)
- Sahil v. De Anda-Ybarra, 2026 WL 560216, at *3 (D.N.M. Feb. 27, 2026)
- Hamdi v. Rumsfeld, 542 U.S. 507, 529 (2004)
- Demore v. Kim, 538 U.S. 510, 522 (2003)
- Morrissey v. Brewer, 408 U.S. 471, 482 (1972)
- Saqib v. Andrews, 2026 WL 350830, at *6 (E.D. Cal. Feb. 9, 2026)
- E.A.T.-B. v. Wamsley, 795 F. Supp. 3d 1316, 1322 (W.D. Wash. 2025)
- Gualpa-Lumbi v. Hoover, 2026 WL 452351, at *11 (N.D. Ohio Feb. 18, 2026)
- Diaz v. Kaiser, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025)
- Daley v. Ceja, 158 F.4th 1152, 1166 (10th Cir. 2025)
- Whitmore v. Parker, 484 F. App'x 227, 231 & n.2 (10th Cir. 2012)
- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)

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