

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

Miguel Eduardo Ylarraza-Trejo v. Warden, Boone County Jail, et al.

Civil Action No. 26-201-DLB · No. Civil Action No. 26-201-DLB · Decided June 1, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky granted Miguel Eduardo Ylarraza-Trejo’s habeas petition, concluding that 8 U.S.C. § 1226(a), rather than § 1225, governed his immigration detention. The court held that detention without an individualized custody hearing violated due process and ordered Respondents to release him or provide a constitutionally adequate bond hearing within seven days, with the government bearing the burden of proof by clear and convincing evidence. Respondents were also ordered to file a status report by June 15, 2026.

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	June 1, 2026
DOCKET	Civil Action No. 26-201-DLB
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, immediate release, or an individualized bond hearing under 8 U.S.C. § 1226(a), arguing that his immigration detention violated the INA and the Fifth Amendment. The district court granted the petition.
STANDARD OF REVIEW	The court applied the Mathews v. Eldridge three-factor balancing test to determine whether the detention procedures satisfied due process.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Miguel Eduardo Ylarraza-Trejo v. Warden, Boone County Jail, et al.

TOPICS

- immigration detention
- due process
- procedural due process
- remedies
- statutory interpretation

PRACTICE AREAS

immigration law

habeas corpus

immigration detention

constitutional law

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1226(a), rather than the mandatory-detention provisions of 8 U.S.C. § 1225, governed petitioner's immigration detention.
2. Whether detaining petitioner without access to an individualized bond hearing violated the Fifth Amendment's Due Process Clause.
3. Whether the proper remedy was immediate release or a constitutionally adequate bond hearing at which the government bears the burden of proof by clear and convincing evidence.

HOLDINGS

1. Section 1226(a) governs the detention of a noncitizen like petitioner who is not seeking admission because he entered the United States years earlier, was released into the country, and was later detained within the country.
2. Petitioner's detention without access to an individualized hearing violated the Fifth Amendment's Due Process Clause.
3. The proper remedy was immediate release or, alternatively, a constitutionally adequate bond hearing under § 1226(a) at which the government bears the burden of proving dangerousness or flight risk by clear and convincing evidence.

KEY QUOTATIONS

“To hold otherwise would subject long-term law-abiding residents in the United States. . . to the hardship of mandatory detention without due process.” (Section III.A)

“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause” (Section III.B)

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

FACTUAL BACKGROUND

Petitioner is a Venezuelan citizen who entered the United States as a minor through the Office of Refugee Resettlement and was released to a sponsor in 2022. He has a United States-citizen child and had lived with his partner and child in the United States for approximately four years. After local law enforcement detained him on March 28, 2026, he was transferred to ICE custody three days later and detained at the Boone County Jail. He had not received an individualized hearing to determine his eligibility for bond.

PROCEDURAL HISTORY

Ylarraza-Trejo filed a pro se habeas petition and related emergency motions challenging his detention by Immigration and Customs Enforcement. The court ordered respondents to respond, and the Federal Respondents

conceded that the Sixth Circuit's decision in *Lopez-Campos v. Raycraft* controlled. The district court granted the petition and ordered immediate release or a constitutionally adequate bond hearing within seven days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must immediately release petitioner or provide a constitutionally adequate bond hearing under 8 U.S.C. § 1226(a) within seven days of the order, with the government bearing the burden of proof by clear and convincing evidence. Respondents must file a status report by June 15, 2026 certifying compliance and reporting the hearing's outcome and, if bond is denied, the reasons for denial.

CASES CITED

- *Lopez-Campos v. Raycraft*, 2026 WL 1283891 (6th Cir. May 11, 2026)
- *A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025)
- *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025)
- *Mathews v. Eldridge*, 424 U.S. 319, 321 (1976)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 531 (6th Cir. 2004)
- *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)
- *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)
- *Yamataya v. Fisher*, 189 U.S. 86, 101 (1903)
- *Goldberg v. Kelly*, 397 U.S. 254, 268 (1970)
- *Edahi v. Lewis*, No. 4:25-cv-129-RGJ, 2025 WL 3466682, at *14 (W.D. Ky. Nov. 27, 2025)
- *Yao v. Almodovar*, No. 25 Civ. 9983 (PAE), 2025 WL 3653433, at *11 (S.D.N.Y. Dec. 17, 2025)
- *Barrera v. Tindall*, No. 3:25-cv-541-RGJ, 2025 WL 2690565, at *7 (W.D. Ky. Sept. 19, 2025)
- *Günaydin v. Trump*, No. 25-cv-01151, 2025 WL 1459154, at *10 (D. Minn. May 21, 2025)
- *Hernandez-Lara v. Lyons*, 10 F.4th 19, 39 (1st Cir. 2021)
- *Velasco Lopez v. Decker*, 978 F.3d 842, 846 (2d Cir. 2020)
- *Azalyar v. Raycraft*, No. 1:25-cv-916, 2026 WL 30741, at *5 (S.D. Ohio Jan. 2, 2026)
- *Rajesh v. Barr*, 420 F. Supp. 3d 78, 87-88 (W.D.N.Y. Oct. 29, 2019)
- *Addington v. Texas*, 441 U.S. 418, 427 (1979)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY NORTHERN DIVISION AT COVINGTON CIVIL ACTION NO. 26-201-DLB MIGUEL EDUARDO YLARRAZA-TREJO PETITIONER v. MEMORANDUM OPINION AND ORDER WARDEN, BOONE COUNTY JAIL, et al. RESPONDENTS * * * * * I. INTRODUCTION This matter is before the Court on Petitioner Miguel Eduardo Ylarraza-Trejo’s pro se Petition for Writ

of Habeas Corpus (Doc. # 1), Motion to Preserve Jurisdiction and Prevent Transfer (Doc. # 2), Emergency Motion for Immediate Release (Doc. # 3), and Emergency Motion for Stay of Removal (Doc. # 4).

The Federal Respondents filed a Response to the Petition on May 21, 2026, conceding that the Sixth Circuit's decision in *Lopez-Campos v. Raycraft*, -- F.4th --, 2026 WL 1283891 (6th Cir. May 11, 2026) controls in this matter. (Doc. # 7 at 2).

For the following reasons, the Court will grant the Petition. II. FACTUAL AND PROCEDURAL BACKGROUND Petitioner is a native and citizen of Venezuela who entered the United States as a minor through the Office of Refugee Resettlement before being released to a sponsor in 2022. (Doc. # 1 ¶¶ 1–2). He is the father of a United States citizen and has resided with his partner and child in the United States since entering the country.

(Id. ¶ 5). He was detained by local law enforcement on March 28, 2026 and was transferred to ICE custody three days later. (Id. ¶¶ 6–7). He is currently detained at the Boone County Jail in Burlington, Kentucky. (Id. at 3).

On May 5, 2026, Petitioner, proceeding pro se, filed the instant Petition for Writ of Habeas Corpus (Doc. # 1), among other filings. The Court directed Respondents to respond on May 8, 2026. (Doc. # 6). The Federal Respondents filed their Response on May 21, 2026, acknowledging that the Sixth Circuit's decision in *Lopez-Campos* controls. (Doc. # 7 at 2). III.

ANALYSIS Petitioner argues that his present detention violates the Immigration and Nationality Act (“INA”) and his right to due process under the Fifth Amendment. (Doc. # 1 at 4). As a result, he requests that the Court order his immediate release or, alternatively, an individualized bond hearing under 8 U.S.C. § 1226(a). (Id. at 5). A. Relevant Framework On May 11, 2026, the Sixth Circuit issued its decision in *Lopez-Campos et al. v. Raycraft et al.*, wherein it determined that § 1226 is the properly applied statutory provision for detaining noncitizens like Petitioner who are not “seeking admission” into the United States. --- F.4th ---, 2026 WL 1283891, at *11 (6th Cir.

May 11, 2026). In its opinion, the Sixth Circuit affirmed the judgments of four district courts below, determining that the “text, canons, and past practice” of two statutes all support the conclusion that the petitioners were not subject to the mandatory detention provisions of § 1225. Id. at *6.

Accordingly, the Circuit rejected the government's position that § 1225 governs noncitizen detainees, concluding that “[t]o hold otherwise would subject long-term law-abiding residents in the United States... to the hardship of mandatory detention without due process.” Id. at *13.

The same reasoning applies here. Petitioner has been in the United States for roughly four years. (Doc. # 1 ¶¶ 1–2). After being detained at the border he was released into the country years prior

to his present detention. (Id. ¶ 5).

The Federal Respondents acknowledge that Lopez-Campos controls Petitioner's case. (Doc. # 7 at 2). Specifically, the Federal Respondents recognize that "[u]nder the Sixth Circuit's reasoning, Petitioner is detained under § 1226(a) and he is entitled to file a motion for custody redetermination with the Immigration Court." (Id.).

Accordingly, pursuant to the Sixth Circuit's recent opinion in Lopez-Campos, the Court concludes that § 1226 governs Petitioner's detention. B. Due Process Because the Court has concluded that § 1226(a) is the appropriate statutory framework to apply to Petitioner, the Court must now determine whether his present detention violates his due process rights.

The Sixth Circuit has concluded that petitioners like Petitioner have "passed through our gates" which affords them protection by the Fifth Amendment's Due Process Clause. See Lopez-Campos, 2026 WL 1283891, at *11. The Fifth Amendment provides, in pertinent part, that no person shall be "deprived of life, liberty, or property, without due process of law[.]" U.S. Const. amend.

V. The Supreme Court has repeatedly held that the Due Process Clause extends to all persons, regardless of citizenship status. See A.A.R.P. v. Trump, 605 U.S. 91, 94 (2025) ("[T]he Fifth Amendment entitles aliens to due process of law in the context of removal proceedings." (quoting Trump v. J.G.G., 604 U.S. 670, 673 (2025))).

To determine whether a detainee's due process rights have been violated, courts apply a three-part balancing test to weigh (1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the United States' interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Mathews v. Eldridge, 424 U.S. 319, 321 (1976). It is undisputed that Petitioner has a cognizable liberty interest in avoiding detention. See Lopez-Campos, 2026 WL 1283891, at *13 (a person's liberty interest in being free from detention "is the most fundamental interest protected by the Due Process Clause and is shared by citizens and noncitizens alike."); Hamdi v. Rumsfeld, 542 U.S. 507, 531 (6th Cir.

2004) (affirming "the fundamental nature of a citizen's right to be free from involuntary confinement by his own government without due process of law[.]"). Indeed, "[f]reedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause[.]" Foucha v. Louisiana, 504 U.S. 71, 80 (1992); see also Zadvydas v. Davis, 533 U.S. 678, 690 (2001) ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the very liberty that [the Due Process Clause] protects.").

Our immigration law has long recognized that noncitizens have an interest in an individualized hearing prior to detention in connection with immigration proceedings. See *Yamataya v. Fisher*, 189 U.S. 86, 101 (1903). Further, the Supreme Court has previously required individualized hearings for deprivations of interests less fundamental than Petitioner’s interest in freedom from detention.

See *Goldberg v. Kelly*, 397 U.S. 254, 268 (1970) (requiring an individualized hearing prior to the termination of welfare benefits). Second, the risk of erroneous deprivation of that interest is high if Petitioner is not afforded a detention hearing. See *Edahi v. Lewis*, No. 4:25-cv-129-RGJ, 2025 WL 3466682, at *14 (W.D. Ky. Nov. 27, 2025) (holding that detention “without any individualized assessment, leads to a high risk of erroneous deprivation of an individual’s liberty interest”) (citation omitted); *Yao v. Almodovar*, No. 25 Civ.

9983 (PAE), 2025 WL 3653433, at *11 (S.D.N.Y. Dec. 17, 2025) (finding that ICE’s “discretion-free detention of [the petitioner] abridged his rights under [8 U.S.C.] § 1226 and violated due process”) (citations omitted).

To date, Petitioner has not had a detention hearing at which his eligibility for bond is determined on the merits of his individual circumstances. Thus, Petitioner’s present detention creates a high risk of an erroneous deprivation of his liberty interest.

Accordingly, the second Mathews factor favors Petitioner. As to the third factor, the Federal Respondents have not put forth any argument whatsoever advocating for the United States’ interest. The Court, on its own, concludes that the United States likely has a strong interest in immigration proceedings, but certainly, the “existing statutory and regulatory safeguards” which this Court discussed at length about above, “serve the governmental interest in public safety.” *Barrera v. Tindall*, No. 3:25-cv-541-RGJ, 2025 WL 2690565, at *7 (W.D.

Ky. Sept. 19, 2025) (quoting *Günaydin v. Trump*, No. 25-cv-01151, 2025 WL 1459154, at *10 (D. Minn. May 21, 2025)). Accordingly, all three factors weigh in favor of Petitioner. Petitioner claims that immediate release is the most appropriate remedy in this case. (Doc. # 1 at 4). This Court agrees with Petitioner that his Fifth Amendment due process rights were violated when he was detained without access to an individualized hearing.

However, the Court disagrees that immediate release is the proper remedy. Rather, this Court agrees with other district courts in the country which have concluded that the proper remedy to this violation is a constitutionally adequate bond hearing in which the government bears the burden of proof by clear and convincing evidence. See *Hernandez-Lara v. Lyons*, 10 F.4th 19, 39 (1st Cir.

2021) (“[T]he government must bear the burden of proving dangerousness or flight risk in order to continue detaining a noncitizen under section 1226(a)"); *Velasco Lopez v. Decker*, 978 F.3d 842,

846 (2nd Cir. 2020) (finding that the “district court correctly ordered a new bond hearing where the Government bore the burden of proof”); *Azalyar v. Raycraft*, No. 1:25-cv-916, 2026 WL 30741, at *5 (S.D.

Ohio Jan. 2, 2026) (“Respondents must provide a custody redetermination hearing at which the government bears the burden of justifying [the petitioner’s] continued detention”); *Rajesh v. Barr*, 420 F. Supp. 3d 78, 87-88 (W.D.N.Y. Oct. 29, 2019) (“The Court agrees with the district court cases holding that allocating the burden to a noncriminal alien to prove he should be released on bond under § 1226(a) violates due process because it asks ‘[t]he individual... to share equally with society the risk of error when the possible injury to the individual is significantly greater than any possible harm to the [Government]’” (quoting *Addington v. Texas*, 441 U.S. 418, 427 (1979))).

IV. CONCLUSION Accordingly, for the reasons stated herein, IT IS SO ORDERED as follows: (1) Ylarraza-Trejo’s Petition for Writ of Habeas Corpus (Doc. # 1) is GRANTED; (2) Respondents are ORDERED to immediately release Petitioner, or in the alternative, provide him with a constitutionally adequate bond hearing where the government bears the burden of proof by clear and convincing evidence under 8 U.S.C. § 1226(a) within seven (7) days of the date of this Order; and (3) | Respondents shall file a Status Report with this Court on or before June 15, 2026 to certify compliance with this Order.

The Status Report shall include when the bond hearing occurred, if bond was granted or denied, and if denied, the reasons for that denial. This 1st day of June, 2026. SO Signed By: | call J David L. Bunnin DP SS" —s Chief United States District Judge G:\Judge-DLB\DATA\ORDERS\Cov2026\26-201 MOO granting habeas.docx