

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Genesis Abigail Ochoa Fonseca v. Kristi Noem, et al.

Ochoa Fonseca v. Noem · No. 26-cv-00128-ABA · Decided January 16, 2026

SUMMARY

The United States District Court for the District of Maryland held that Genesis Abigail Ochoa Fonseca’s detention was governed by 8 U.S.C. § 1226(a), rather than the mandatory-detention provisions of § 1225. The court granted habeas relief in part and ordered that she receive a bond hearing before an immigration judge within 10 days, or be released from custody. The court denied her motion for a temporary restraining order.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Adam B. Abelson
JURISDICTION	United States District Court for the District of Maryland
DECIDED	January 16, 2026
DOCKET	26-cv-00128-ABA
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief challenging her immigration detention and moved for a temporary restraining order seeking immediate release.
PRECEDENTIAL VALUE	unknown
PARTIES	Genesis Abigail Ochoa Fonseca v. Kristi Noem, et al.

TOPICS

- immigration detention
- removal proceedings
- statutory interpretation
- equitable relief
- injunctions

PRACTICE AREAS

- immigration detention
- removal proceedings
- habeas corpus
- statutory interpretation
- equitable relief

QUESTIONS PRESENTED

1. Whether Petitioner's detention was governed by 8 U.S.C. § 1225, which provides for mandatory detention in specified circumstances, or 8 U.S.C. § 1226(a), which provides for discretionary detention

during removal proceedings.

2. Whether Petitioner was entitled to a bond hearing under 8 U.S.C. § 1226(a).
3. What remedy was appropriate for Respondents' statutory violation.
4. Whether Petitioner was entitled to a temporary restraining order requiring immediate release.

HOLDINGS

1. Petitioner was detained under 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225.
2. Because Petitioner was detained under § 1226(a), she was entitled to a bond hearing consistent with 8 C.F.R. §§ 236.1(d), 1003.19, and 1236.1(d).
3. The appropriate remedy was an order requiring Respondents to provide Petitioner with a bond hearing within 10 days; if no hearing occurred within that period, Respondents were required to release her from custody.
4. Petitioner's motion for a temporary restraining order was denied.

KEY QUOTATIONS

“For the same reasons stated in Bautista Villanueva, 2026 WL 100595, Petitioner is not subject to mandatory detention under § 1225.”

“If a bond hearing is not held before an Immigration Judge within 10 days of the date of this Order, Respondents shall RELEASE Petitioner from custody;”

FACTUAL BACKGROUND

Petitioner alleged that she is a Honduran citizen apprehended by Border Patrol in 2018, released from custody, and thereafter living in the United States with her spouse and five minor children. She allegedly complied for almost eight years with monthly ICE appointments and removal proceedings, including an asylum merits hearing whose decision was on appeal to the Board of Immigration Appeals. On January 13, 2026, ICE allegedly arrested her without a warrant at a monthly check-in in Baltimore.

PROCEDURAL HISTORY

Petitioner filed the habeas action and temporary-restraining-order motion on January 13, 2026, the same day she was allegedly arrested by ICE without a warrant during a monthly check-in. The parties later submitted a joint notice stating that the factual and legal issues were materially identical to those in *Bautista Villanueva v. Bondi* and *Villanueva Funes v. Noem* and requested incorporation of the filings from those cases. The court granted the habeas petition in part, denied it in part, ordered a bond hearing within 10 days, and denied the motion for a temporary restraining order.

DISPOSITION

other

REMAND INSTRUCTIONS

Respondents must provide Petitioner with a bond hearing before an Immigration Judge within 10 days. If no hearing is held within that period, Respondents must release Petitioner. The parties must file a joint status report within 14 days. The order does not preclude ICE from imposing reasonable conditions of release.

CASES CITED

- Bautista Villanueva v. Bondi, 2026 WL 100595 (D. Md. Jan. 14, 2026)
- Villanueva Funes v. Noem, 2026 WL 92860

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
GENESIS ABIGAIL OCHOA FONSECA, Petitioner, v. Case No. 26-cv-00128-ABA KRISTI NOEM, et al., Respondents. MEMORANDUM OPINION AND ORDER Petitioner Genesis Abigail Ochoa Fonseca alleges that she is a citizen of Honduras who was apprehended by United States Border Patrol on March 2, 2018. ECF No. 1 ¶ 1.

Border Patrol released her from custody, and she has since lived in the United States with her spouse and five minor children. Id. ¶¶ 1–2, 13. Over the past almost eight years, Petitioner alleges that she consistently reported to the Baltimore ICE Field Office for her monthly appointments, has attended her removal hearings, and attended her asylum merits hearing on November 20, 2025 (the decision of which is currently on appeal before the Board of Immigration Appeals).

Id. ¶¶ 1, 3. On January 13, 2026, while at her monthly check-in at the Baltimore ICE Field Office, Petitioner alleges that she was arrested by ICE officials without a warrant. Id. ¶ 14. Petitioner filed this action the same day challenging her detention and a motion for temporary restraining order requesting her immediate release. ECF Nos. 1 & 4.

The first question before the Court is whether Petitioner’s detention is governed by 8 U.S.C. § 1225 or § 1226. 8 U.S.C. § 1225 provides for mandatory detention—without a bond hearing—in certain specified circumstances. Conversely, § 1226 provides for discretionary detention of a noncitizen who, “[o]n a warrant,” was “arrested and detained” during the pendency of removal proceedings under § 1229a.

On January 16, 2026, the Parties filed a joint notice providing that “the factual and legal issues presented in the instant habeas petition do not differ in any material fashion from those presented in [Bautista Villanueva v. Bondi, et al.], No. 25-CV-4152- ABA, 2026 WL 100595 fn.2 (D. Md. Jan. 14, 2026) and Villanueva Funes v. Noem, No. 25-cv-03860-TDC, [2026 WL 92860,] ECF Nos. 13, 14.” ECF No. 7 at 1.

Furthermore, the notice provided that “as such, unless the Court prefers further briefing on that issue, the Parties submit that this Court should incorporate the Respondents’ filings in Bautista

Villanueva and Villanueva Funes into the record of this habeas action in lieu of further briefing.” Id. at 2.

For the same reasons stated in *Bautista Villanueva*, 2026 WL 100595, Petitioner is not subject to mandatory detention under § 1225. Accordingly, for the same reasons stated in *Bautista Villanueva* and as requested in the Parties’ Joint Notice (ECF No. 7), the Court is persuaded that the appropriate remedy for Respondents’ statutory violation is an order that Petitioner receive a bond hearing within 10 days of this Order.

For these reasons, the Court hereby ORDERS as follows: 1. The Petition for Writ of Habeas Corpus is GRANTED IN PART and DENIED IN PART; 2. Petitioner is detained under 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225; 3. Under 8 U.S.C. § 1226(a), Petitioner is entitled to a bond hearing consistent with 8 C.F.R. §§ 236.1(d), 1003.19, & 1236.1(d); 4. Consistent with 8 C.F.R. § 236.1(d) (1), Petitioner shall file a request in Immigration Court seeking a bond hearing consistent with this Court’s Order; 5.

Petitioner shall be provided with a bond hearing within 10 days of the date of this Order; 6. Petitioner’s bond hearing must be conducted by an Immigration Judge under 8 U.S.C. § 1226, and in accordance with 8 C.F.R. §§ 236.1(d), 1003.19, & 1236.1(d); 7. Any bond hearing must be conducted by an Immigration Court with jurisdiction, or with administrative control, over Petitioner’s detention and need not be conducted in Baltimore or Hyattsville; 8.

If bond is granted and Petitioner is released, nothing in this Order precludes ICE from imposing reasonable conditions of release; 9. If a bond hearing is not held before an Immigration Judge within 10 days of the date of this Order, Respondents shall RELEASE Petitioner from custody; 10. If Petitioner is released before having a bond hearing, nothing in this Order precludes ICE from imposing reasonable conditions of release, including a requirement that she appear at a bond hearing at Immigration Court in Maryland; 11.

The parties SHALL FILE a joint status report within 14 days of this Order; and 12. Petitioner’s Motion for Temporary Restraining Order (ECF No. 4) is DENIED. Date: January 16, 2026 /s/ Adam B. Abelson United States District Judge