

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

Douglas Ricardo Sura Cruz v. Kristi Noem, Secretary, U.S.
Department of Homeland Security, et al.

Sura Cruz v. Noem · No. 25 C 15323 · Decided December 23, 2025

SUMMARY

The United States District Court for the Northern District of Illinois grants Douglas Ricardo Sura Cruz’s petition for a writ of habeas corpus and holds that he is entitled to a bond hearing. The court concludes that his detention is governed by 8 U.S.C. § 1226(a), rather than the mandatory-detention provisions of § 1225(b)(2), because he had been living in the United States for more than 11 years and was detained in the Midwest. The court also rejects the government’s arguments that the INA’s jurisdiction-stripping provisions preclude review.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Sunil R. Harjani
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	December 23, 2025
DOCKET	25 C 15323
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and the denial of a bond hearing.
STANDARD OF REVIEW	The court independently reviewed its jurisdiction and interpreted the INA’s detention and jurisdiction-stripping provisions. For the procedural due process claim, it applied the three-factor balancing test from Mathews v. Eldridge.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order; precedential status unknown
PARTIES	Douglas Ricardo Sura Cruz v. Kristi Noem, Secretary, U.S. Department of Homeland Security, et al.

TOPICS

immigration detention

removal proceedings

procedural due process

statutory interpretation

remedies

PRACTICE AREAS

immigration

constitutional law

habeas corpus

civil rights

QUESTIONS PRESENTED

1. Whether 8 U.S.C. §§ 1252(g), 1252(b)(9), or 1252(a)(2)(B)(ii) deprived the district court of jurisdiction over a § 2241 petition challenging immigration detention and denial of a bond hearing.
2. Whether detention of a noncitizen who had lived in the United States for more than eleven years was governed by the mandatory-detention provisions of 8 U.S.C. § 1225(b)(2)(A) or the discretionary-detention provisions of § 1226(a).
3. Whether detaining Sura Cruz without an individualized bond hearing violated the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.
4. Whether the appropriate relief was an individualized bond hearing before an immigration judge or release from custody.

HOLDINGS

1. The INA provisions invoked by respondents did not strip the district court of jurisdiction. Section 1252(g) applies only to the Attorney General's three specifically listed actions—commencing proceedings, adjudicating cases, and executing removal orders—and does not bar review of a detention decision. Section 1252(b)(9) does not bar a habeas challenge to detention and denial of a bond hearing that does not seek review of a removal order or challenge the process for determining removability. Section 1252(a)(2)(B)(ii) does not apply because petitioner challenged the scope of the government's detention authority, not a discretionary decision.
2. Section 1226(a), rather than the mandatory-detention provision in § 1225(b)(2)(A), governed Sura Cruz's detention because he had been living in the United States for more than eleven years and was not seeking admission at the border. He was therefore entitled to an individualized bond hearing.
3. Sura Cruz's detention without an individualized bond hearing violated the Fifth Amendment's Due Process Clause and the INA. The government was required either to provide a bond hearing under § 1226(a), with the government bearing the burden of proving dangerousness or flight risk by clear and convincing evidence, or to release him under reasonable conditions of supervision.

KEY QUOTATIONS

“An “alien seeking admission” thus must mean something different than “applicant for admission.””
(Discussion, Part II)

“Petitioner’s detention without an individualized custody determination violates the INA and the Due Process Clause of the Fifth Amendment.” (Conclusion)

FACTUAL BACKGROUND

Douglas Ricardo Sura Cruz, a citizen of El Salvador, had lived in the United States for more than eleven years. He was married to a U.S. citizen, had two U.S.-citizen children, and had no criminal record. ICE detained him in Chicago after he presented for an immigration interview related to an I-130 petition, and denied him access to a bond hearing while removal proceedings were pending.

PROCEDURAL HISTORY

ICE detained Sura Cruz in Chicago on December 17, 2025, after he appeared for an immigration interview concerning an I-130 petition sponsored by his U.S.-citizen wife. He filed a § 2241 habeas petition the same day, seeking an individualized bond hearing. The district court rejected the government's jurisdictional and substantive arguments, granted the petition, and ordered respondents either to provide a bond hearing within five days or release him under reasonable supervisory conditions.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Within five days, respondents must either provide petitioner an individualized bond hearing before an immigration judge under 8 U.S.C. § 1226(a), at which the government must prove by clear and convincing evidence that continued detention is justified by dangerousness or flight risk, or release petitioner under reasonable conditions of supervision. Respondents may not remove petitioner from the United States or transfer him outside Illinois, Wisconsin, or Indiana while he remains in custody, and must provide at least 72 hours' notice of any transfer.

CASES CITED

- Sanchez v. Olson, 2025 WL 3004580, at *2-*4 (N.D. Ill. Oct. 27, 2025)
- Barrajas v. Noem, 2025 WL 2717650, at *3 (S.D. Iowa Sept. 23, 2025)
- E.F.L. v. Prim, 986 F.3d 959, 964 (7th Cir. 2021)
- Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482 (1999)
- Jennings v. Rodriguez, 583 U.S. 281, 287-89, 293-95, 300, 303 (2018)
- Carrera-Valdez v. Perryman, 211 F.3d 1046, 1047 (7th Cir. 2000)
- Zadvydas v. Davis, 533 U.S. 678, 688, 690, 693 (2001)
- Del Raine v. Carlson, 826 F.2d 698, 703 (7th Cir. 1987)
- Gonzalez v. O'Connell, 355 F.3d 1010, 1016, 1019 (7th Cir. 2004)
- Wickstrom v. Air Line Pilots Ass'n, Int'l, 156 F.4th 835, 840 (7th Cir. 2025)
- Nielsen v. Preap, 586 U.S. 392, 396-98 (2019)
- Castanon-Nava v. U.S. Department of Homeland Security, ___ F.4th ___, 2025 WL 3552514, at *8-*10 (7th Cir. Dec. 11, 2025)

- United States ex rel. Polansky v. Executive Health Resources, Inc., 599 U.S. 419, 432 (2023)
- Bilski v. Kappos, 561 U.S. 593, 607-08 (2010)
- United States v. Balint, 201 F.3d 928, 933 (7th Cir. 2000)
- United States v. Wilson, 503 U.S. 329, 333 (1992)
- Patel v. Crowley, 2025 WL 2996787, at *4-*8 (N.D. Ill. Oct. 24, 2025)
- H.G.V.U. v. Smith, 2025 WL 2962610, at *4-*5 (N.D. Ill. Oct. 20, 2025)
- Corley v. United States, 556 U.S. 303, 314 (2009)
- Stanley v. City of Sanford, 606 U.S. 46, 56 (2025)
- Marx v. General Revenue Corp., 568 U.S. 371, 385-86 (2013)
- Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 386, 400 (2024)
- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103, 107, 114, 137, 139-40 (2020)
- Shaughnessy v. United States, 345 U.S. 206, 212 (1953)
- I.N.S. v. St. Cyr, 533 U.S. 289 (2001)
- Mathews v. Eldridge, 424 U.S. 319, 332, 335 (1976)
- Hamdi v. Rumsfeld, 542 U.S. 507, 529 (2004)