

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Arelis Modesta Garcia Canales v. Jonathan Florentino, et al.

Garcia Canales · No. No. 26-cv-01461-ESK · Decided February 23, 2026

SUMMARY

The United States District Court for the District of New Jersey granted Arelis Modesta Garcia Canales’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that her detention was governed by 8 U.S.C. § 1226 rather than § 1225 because she was apprehended inside the United States after residing there for an extended period, and ordered her immediate release without additional conditions. The court also enjoined detention under § 1225, imposed a 14-day restriction on detention under § 1226(a), and retained jurisdiction over any future detention.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Edward S. Kiel
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 23, 2026
DOCKET	No. 26-cv-01461-ESK
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without a bond hearing or individualized custody determination.
STANDARD OF REVIEW	The court reviewed the legality of petitioner’s custody on her § 2241 habeas petition and determined whether the asserted statutory basis for detention authorized her continued custody.
PRECEDENTIAL VALUE	Unpublished, nonprecedential United States district court opinion.
PARTIES	Arelis Modesta Garcia Canales v. Jonathan Florentino, et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- statutory interpretation
- injunctions

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether a noncitizen who entered the United States without inspection in 2022, was later apprehended inside the country after residing there for an extended period, and had no final removal order could be detained under 8 U.S.C. § 1225(b)(2) rather than 8 U.S.C. § 1226(a).
2. Whether 8 U.S.C. § 1252(b)(9) deprived the district court of jurisdiction over a collateral challenge to continued detention.
3. Whether the government could defend an allegedly unlawful detention through an alternative statutory justification first raised during the litigation.
4. Whether immediate release and injunctive relief were appropriate remedies for the unlawful detention.

HOLDINGS

1. A noncitizen who entered without inspection but was apprehended inside the United States after residing there for an extended period is subject to detention under 8 U.S.C. § 1226 rather than 8 U.S.C. § 1225; detention under § 1226 requires an opportunity to seek bond.
2. Section 1252(b)(9) does not strip the district court of jurisdiction over a collateral challenge to continued detention that is not inextricably linked to a removal action.
3. The government may not transform an unlawful detention into a lawful one by asserting an alternative, retrospective statutory justification for the first time during habeas litigation.
4. The appropriate relief was to grant the § 2241 petition, order immediate release under the pre-detention conditions, return seized personal property, enjoin detention under § 1225, and retain jurisdiction to address any future detention.

KEY QUOTATIONS

“I conclude that petitioner is being unlawfully detained under respondents’ repeated invocation of 8 U.S.C. § 1225 because petitioner was apprehended inside the United States after residing here for an extended period, and therefore she should have been detained under 8 U.S.C. § 1226, which requires an opportunity to seek bond.” (¶ 8)

“I decline to allow respondents to transform an unlawful detention into a lawful one through alternative, retrospective, post hoc justification presented mid-litigation, as doing so would give the Government a free pass to violate a person’s statutory and constitutional rights first and search for authority later.” (¶ 11)

“Respondents are PERMANENTLY ENJOINED from rearresting or otherwise detaining petitioner under § 1225, which this Court has found inapplicable to her.” (Order ¶ 4)

FACTUAL BACKGROUND

Garcia Canales, a Venezuelan citizen, entered the United States without inspection in 2022. DHS arrested her on February 6, 2026, and detained her at the Elizabeth Contract Detention Facility in New Jersey. The record indicated that she had no criminal history and was not subject to a final order of removal. She received no bond hearing or individualized custody determination after her arrest.

PROCEDURAL HISTORY

The Department of Homeland Security arrested and detained Garcia Canales on February 6, 2026. She filed a § 2241 petition, and the court ordered a response on February 17, 2026. Respondents answered that detention was authorized under 8 U.S.C. § 1225(b)(2), but acknowledged that the statutory arguments and facts were materially identical to issues the court had previously rejected. The court granted the petition, ordered immediate release and return of seized property, imposed restrictions on rearrest and redetention, permanently enjoined detention under § 1225, retained jurisdiction, and closed the case.

DISPOSITION

writ_granted

CASES CITED

- Ayala Amaya v. Bondi, No. 25-cv-16428, 2025 WL 3033880 (D.N.J. Oct. 30, 2025)
- Demirel v. Fed. Det. Ctr. Phila., No. 25-cv-05488, 2025 WL 3218243 (E.D. Pa. Nov. 18, 2025)
- Buenrostro-Mendez v. Bondi, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026)
- Martinez v. McAleenan, 385 F. Supp. 3d 349, 366, 373 (S.D.N.Y. 2019)
- Khalil v. President, United States, 164 F.4th 259, 274 (3d Cir. 2026)
- Lopez Benitez v. Francis, 795 F. Supp. 3d 475, 486 (S.D.N.Y. 2025)
- Arias Gudino v. Lowe, 785 F. Supp. 3d 27, 46 n. 8 (M.D. Pa. 2025)

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