

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Antonio Lopez Del Valle v. Brian English

No. 3:26-CV-142-CCB-SJF (N.D. Ind. Feb. 23, 2026) · No. No. 3:26-CV-142-CCB-SJF · Decided February 23, 2026

SUMMARY

The court conditionally grants Antonio Lopez Del Valle's petition for a writ of habeas corpus challenging his detention during immigration removal proceedings. It holds that the mandatory detention provision of 8 U.S.C. § 1225(b)(2) does not apply to a noncitizen arrested in the interior of the United States years after arrival, and that detention is instead governed by 8 U.S.C. § 1226(a). The respondent must provide an individualized bond hearing within seven days or release Lopez Del Valle.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Cristal C. Brisco
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	February 23, 2026
DOCKET	No. 3:26-CV-142-CCB-SJF
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking immediate release or an individualized bond hearing.
STANDARD OF REVIEW	De novo consideration of the legal issues presented in the § 2241 habeas petition; statutory interpretation of the immigration detention provisions.
PRECEDENTIAL VALUE	nonprecedential district court opinion
PARTIES	Antonio Lopez Del Valle v. Brian English

TOPICS

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

PRACTICE AREAS

immigration law

habeas corpus

immigration detention

statutory interpretation

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction under 28 U.S.C. § 2241 to review Lopez Del Valle's challenge to his immigration detention.
2. Whether the mandatory-detention provision in 8 U.S.C. § 1225(b)(2) applies to a noncitizen arrested in the interior of the United States years after entering without inspection.
3. Whether Lopez Del Valle was entitled to an individualized bond hearing under 8 U.S.C. § 1226(a).
4. Whether the court should order immediate release or instead require the government to provide a prompt individualized bond hearing.

HOLDINGS

1. The mandatory-detention provision of 8 U.S.C. § 1225(b)(2) does not apply to individuals like Lopez Del Valle who are arrested within the interior of the United States years after their arrival and are not seeking admission at a port of entry.
2. Because Lopez Del Valle was detained under § 1226(a), he was entitled to an individualized bond hearing; the immigration judge erred by treating him as categorically ineligible for bond under § 1225(b)(2).
3. The appropriate remedy was a prompt individualized bond hearing rather than immediate release, but the government was required to release Lopez Del Valle if it failed to provide the hearing within seven days.

KEY QUOTATIONS

“The court reaffirms its holding that the mandatory detention provision in 8 U.S.C. § 1225(b)(2) does not apply to individuals like Mr. Lopez Del Valle who are arrested within the interior of the country years after their arrival.”

“The court concludes that the appropriate remedy in this situation is an order requiring the government to provide Mr. Lopez Del Valle with a bond hearing in accordance with 8 U.S.C. § 1226(a) and its implementing regulations.”

FACTUAL BACKGROUND

Antonio Lopez Del Valle, a citizen of Mexico, entered the United States without inspection in 1998. ICE arrested him in New York in August 2025 pursuant to an administrative warrant and transferred him to the Miami Correctional Facility in Indiana. An immigration judge denied his request for bond on the ground that 8 U.S.C. § 1225(b)(2) made him categorically ineligible. He remained detained without an individualized bond hearing.

PROCEDURAL HISTORY

Immigration and Customs Enforcement arrested Lopez Del Valle in August 2025 pursuant to an administrative warrant and initiated removal proceedings. An immigration judge denied bond, concluding that he was

categorically ineligible under 8 U.S.C. § 1225(b)(2). Lopez Del Valle filed this § 2241 petition, and after briefing the district court conditionally granted relief and ordered an individualized bond hearing under § 1226(a), requiring release if the hearing was not provided within seven days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The respondent must provide Lopez Del Valle with an individualized bond hearing pursuant to 8 U.S.C. § 1226(a) and its implementing regulations on or before March 2, 2026. If the hearing is not provided within that timeframe, the respondent must release him. The respondent must file proof of compliance by March 3, 2026.

CASES CITED

- Clark v. Sweeney, 146 S. Ct. 410, 412 (2025)
- De Jesús Aguilar v. English, No. 3:25-CV-898 DRL-SJF, 2025 WL 3280219, at *8 (N.D. Ind. Nov. 25, 2025)
- Mejia Diaz v. Noem, No. 3:25cv960, 2025 WL 3640419 (N.D. Ind. Dec. 16, 2025)
- Singh v. English, No. 3:25cv962, 2025 WL 3713715 (N.D. Ind. Dec. 23, 2025)
- Castanon-Nava v. U.S. Dep’t of Homeland Sec., 161 F.4th 1048, 1061 (7th Cir. 2025)
- Buenrostro-Mendez v. Bondi, No. 25-20496, 2026 WL 323330, at *9 (5th Cir. Feb. 6, 2026)
- Jennings v. Rodriguez, 583 U.S. 281, 303, 306 (2018)
- Cornejo Rivera v. Olson, No. 3:25-CV-1090-CCB-SJF, 2026 WL 81753, at *1 (N.D. Ind. Jan. 12, 2026)
- Bolante v. Keisler, 506 F.3d 618, 621 (7th Cir. 2007)
- K.C. v. Individual Members of Med. Licensing Bd. of Indiana, 121 F.4th 604, 631 (7th Cir. 2024)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA SOUTH BEND DIVISION ANTONIO LOPEZ DEL VALLE, Petitioner, v. CAUSE NO. 3:26-CV-142-CCB-SJF BRIAN ENGLISH, Respondent. OPINION AND ORDER Immigration detainee Antonio Lopez Del Valle, by counsel, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, alleging he is unlawfully confined in violation of the laws or Constitution of the United States.

(ECF 1.) Mr. Lopez Del Valle is a citizen of Mexico who entered the United States without inspection in 1998. (Id. at 3.) In August 2025, he was arrested by agents of Immigration and Customs Enforcement (ICE) in New York pursuant to an administrative warrant and was issued a Notice to Appear in immigration court for removal proceedings.¹ (ECF 8-2 at 3-5.) ¹ It can be discerned from documentation submitted by the Respondent that Mr. Lopez Del Valle also lived in the United States during the early 1990s.

After removal proceedings were initiated against him, he was granted leave to voluntarily depart the country by an immigration judge. (ECF 8-2 at 4-6.) The judge issued an alternate order of removal in the event he did not voluntarily depart by the date specified. (Id. at 6.)

The parties' briefs do not address whether he voluntarily departed by the deadline, potentially implicating the removal order. The government does not argue that he is subject to a final order of removal, and instead argues that his detention is governed by 8 U.S.C. § 1225(b)(2) because he was never lawfully admitted to the United States. (ECF 8.)

The court therefore does not explore this issue further. *Clark v. Sweeney*, 146 S. Ct. 410, 412 (2025) ("In our adversarial system of adjudication, we follow the principle of party presentation. The parties frame the issues for decision, while the court serves as neutral arbiter of matters the parties present." (internal citations and quotation marks omitted)).

He was then transferred to Miami Correctional Facility (MCF), where he remains at present. (ECF 1 at 3.) He sought release on bond, but an immigration judge denied his request concluding that he is statutorily ineligible for bond under 8 U.S.C. § 1225(b)(2). (Id. at 11.) He argues that his continued detention without an opportunity for bond violates applicable statutes and the Fifth Amendment Due Process Clause.

(ECF 1 at 4-5.) He seeks immediate release or, alternatively, a prompt bond hearing. (ECF 1 at 12; ECF 9 at 3.) In an order to show cause, the court directed the Respondent to address the petition in light of *De Jesús Aguilar v. English*, No. 3:25-CV-898 DRL-SJF, 2025 WL 3280219, 8 (N.D. Ind. Nov. 25, 2025), appeal docketed, No. 26-1145 (7th Cir. Jan. 26, 2026), and subsequent cases, which joined the overwhelming majority of other district courts in concluding that § 1225(b)(2) does not apply to noncitizens who are not "seeking admission" at a port of entry and are instead arrested within the interior of the United States.

(ECF 4.) The parties were instructed only to brief "what is different or new, not what has been decided, and those issues particular to this petitioner." (Id. at 3.) The Respondents have answered the petition (ECF 8), and Mr. Lopez Del Valle has filed a reply (ECF 9).

The Respondent repeats his argument from *De Jesús Aguilar* and other recent cases that this court lacks jurisdiction over the petition and that Mr. Lopez Del Valle is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) because he is an applicant "seeking admission" within the meaning of that statute. (ECF 9.) These arguments were rejected in *De Jesús Aguilar* and subsequent decisions by judges in this District.

See, e.g., *Mejia Diaz v. Noem*, No. 3:25cv960, 2025 WL 3640419 (N.D. Ind. Dec. 16, 2025) (Brisco, J.); *Singh v. English*, No. 3:25cv962, 2025 WL 3713715 (N.D. Ind. Dec. 23, 2025) (Leichty, J.). The court continues to be of the view that jurisdiction is secure and that the statute cannot reasonably be interpreted in the manner urged by the government. Notably, the Seventh

Circuit recently held in deciding a motion for a stay pending appeal that the government was not likely to succeed on its argument that the mandatory detention provision contained in § 1225(b)(2) applies to noncitizens who are arrested in the interior of the United States.² See *Castanon-Nava v. U.S. Dep’t of Homeland Sec.*, 161 F.4th 1048, 1061 (7th Cir.

2025). The court reaffirms its holding that the mandatory detention provision in 8 U.S.C. § 1225(b)(2) does not apply to individuals like Mr. Lopez Del Valle who are arrested within the interior of the country years after their arrival. That leads the court to 8 U.S.C. § 1226(a), the “default rule” for detention of noncitizens who are “already present in the United States.” *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018).

That statute provides: “On a warrant issued by the Attorney General, an alien may be arrested and detained” while removal proceedings are pending, and the Attorney General “(1) may continue to detain the [noncitizen]; and (2) may release the [noncitizen] on (A) bond... or (B) conditional parole” until removal proceedings conclude 8 U.S.C. § 1226(a).

The Supreme Court has held that a noncitizen detained under § 1226(a) is entitled to an individualized bond hearing. *Jennings*, 583 U.S. at 306. Here, Mr. Lopez Del Valle was arrested pursuant to a warrant, which accords with § 1226(a). (ECF 8-2 at 1.)

However, he has not been provided ² The court is aware of the 2-1 opinion in *Buenrostro-Mendez v. Bondi*, No. 25-20496, ___F4th___, 2026 WL 323330, at *9 (5th Cir. Feb. 6, 2026), reaching a different conclusion. This opinion is not binding in this Circuit, and the court remains convinced that its prior analysis of § 1225(b)(2) is sound. with a bond hearing in accordance with that statute, because the immigration judge concluded that he is categorically ineligible for bond under § 1252(b)(2).

(ECF 8-2 at 11.) This was error for the reasons previously explained. The court concludes that the appropriate remedy in this situation is an order requiring the government to provide Mr. Lopez Del Valle with a bond hearing in accordance with 8 U.S.C. § 1226(a) and its implementing regulations. See *Cornejo Rivera v. Olson*, No. 3:25-CV-1090-CCB-SJF, 2026 WL 81753, at *1 (N.D.

Ind. Jan. 12, 2026) (Brisco, J.). The court notes that, in his petition, Mr. Lopez Del Valle seeks either release or a bond hearing, but in his reply he focuses on the request for a bond hearing. (ECF 9 at 3.) The court views the opportunity for a bond hearing as the correct remedy rather than outright release. He has been detained pursuant to a warrant issued by an immigration officer in accordance with 8 U.S.C. § 1226, and it is for the Attorney General to decide whether release is warranted under the circumstances presented by this case.

See *Bolante v. Keisler*, 506 F.3d 618, 621 (7th Cir. 2007) (federal court’s inherent authority to release individuals seeking habeas corpus relief is curtailed by statutory structure that applies in

immigration cases). He requests that the hearing occur within three days, which seems difficult to accomplish given the volume of immigration cases currently pending before immigration judges.

Balancing the interests at stake, the court will order the hearing to occur within seven days. If the government does not provide him with an individualized bond hearing within that timeframe then he must be released, because his continued detention without an opportunity for bond is unlawful.³ 8 U.S.C. § 1226(a); Jennings, 583 U.S. at 306.

For these reasons, the court: (1) **CONDITIONALLY GRANTS** the petition for a writ of habeas corpus (ECF 1) and **ORDERS** the respondent to release Antonio Lopez Del Valle on or before March 2, 2026, unless he is provided with an individualized bond hearing pursuant to 8 U.S.C. § 1226 and corresponding regulations; (2) **DIRECTS** the clerk to email forthwith a copy of this order to the Warden of the Miami Correctional Facility at the Indiana Department of Correction to secure compliance with this order; (3) **ORDERS** the respondent to file proof of compliance with this order by March 3, 2026; and (4) **ORDERS** that any fee petition should be filed within the deadlines set by the Equal Access to Justice Act, 28 U.S.C. § 2412.

SO ORDERED on February 23, 2026. /s/Cristal C. Brisco CRISTAL C. BRISCO, JUDGE UNITED STATES DISTRICT COURT 3 Because the court concludes that Mr. Lopez Del Valle is entitled to relief as a matter of statutory law, the court does not reach his alternate argument under the Due Process Clause. See *K.C. v. Individual Members of Med. Licensing Bd. of Indiana*, 121 F.4th 604, 631 (7th Cir.

2024) (“Courts should avoid resolving cases on constitutional grounds when they can be fairly resolved on statutory grounds.”).