

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Stalin Junior Fermin Javier v. Philip Rhoney, et al.

Stalin Junior Fermin Javier v. Philip Rhoney, No. 6:26-cv-06076-EAW (W.D.N.Y. Mar. 20, 2026) · No. 6:26-cv-06076-EAW · Decided March 20, 2026

SUMMARY

The United States District Court for the Western District of New York denies the respondents’ motion to dismiss and grants Stalin Junior Fermin Javier’s 28 U.S.C. § 2241 petition to the extent it seeks a second bond hearing. Applying the Mathews v. Eldridge balancing test and Second Circuit precedent, the court requires an immigration judge to conduct a hearing at which the government must prove dangerousness or flight risk by clear and convincing evidence.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Elizabeth A. Wolford
JURISDICTION	United States District Court for the Western District of New York
DECIDED	March 20, 2026
DOCKET	6:26-cv-06076-EAW
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner brought a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his continued civil immigration detention. Respondents moved to dismiss, arguing that petitioner had already received a bond hearing and was not entitled to a second hearing.
STANDARD OF REVIEW	The court applied the three-factor procedural due process balancing test from Mathews v. Eldridge to determine whether continued detention required additional procedural safeguards.
PRECEDENTIAL VALUE	unpublished district court opinion; nonprecedential
PARTIES	Stalin Junior Fermin Javier v. Philip Rhoney, James Bausch

TOPICS

- immigration detention
- federal habeas corpus
- procedural due process
- removal proceedings
- due process

PRACTICE AREAS

immigration law

federal habeas corpus

constitutional law

civil rights

QUESTIONS PRESENTED

1. Whether continued detention under 8 U.S.C. § 1226(a), after an initial bond denial and nearly nine months of detention, violated procedural due process.
2. Whether petitioner was entitled to a second bond hearing at which the government would bear the burden of proving dangerousness or flight risk by clear and convincing evidence.
3. What procedural requirements should govern the second bond hearing and any continued detention.

HOLDINGS

1. Applying the *Mathews v. Eldridge* balancing test, procedural due process required petitioner to receive a second bond hearing because his nearly nine months of civil detention, the risk of erroneous continued detention, and the limited administrative burden of requiring the government to justify detention together outweighed the government's interests.
2. At the second bond hearing, the government must prove by clear and convincing evidence that petitioner presents a danger or flight risk warranting detention.
3. To continue petitioner's detention after the bond hearing, the immigration judge must find by clear and convincing evidence that no condition or combination of conditions can reasonably ensure petitioner's appearance and community safety, based on an identified and articulable flight or safety risk.

KEY QUOTATIONS

“the private interest affected by the official action is the most significant liberty interest there is—the interest in being free from imprisonment.” (at 3)

“as the period of . . . confinement grows, so do the required procedural protections.” (at 4)

“the Government has not convinced us that requiring it to justify [a petitioner’s] detention by clear and convincing evidence substantially undermines its legitimate interests or entails an undue administrative burden.” (at 5)

“When the Government incarcerates individuals it cannot show to be a poor bail risk for prolonged periods of time, as in this case, it separates families and removes from the community breadwinners, caregivers, parents, siblings and employees.” (at 5)

FACTUAL BACKGROUND

Petitioner, a citizen of the Dominican Republic, entered the United States as a B-2 visitor in 2018 and allegedly overstayed his visa. ICE detained him on June 30, 2025, after he accidentally arrived at the United States-Canada border, and he was held at the Buffalo Federal Detention Facility. An immigration judge denied bond based on alleged flight risk, and petitioner was later ordered removed, but the removal order was not final

because he pursued an appeal. Petitioner had no criminal convictions and had been detained for nearly nine months when the district court ruled.

PROCEDURAL HISTORY

Petitioner was detained by ICE pursuant to 8 U.S.C. § 1226(a), denied bond by an immigration judge, and later ordered removed. The removal order was not final because petitioner had appealed to the Board of Immigration Appeals. The district court denied respondents' motion to dismiss and granted the petition to the extent petitioner sought a second bond hearing with the government bearing the burden of proof by clear and convincing evidence.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide petitioner a bond hearing before an immigration judge on or before March 30, 2026, subject to a reasonable continuance requested by petitioner. The government must prove dangerousness or flight risk by clear and convincing evidence; the immigration judge must consider less restrictive alternatives, petitioner's ability to pay, and alternative conditions of release. Respondents must file a status update with the district court by March 31, 2026.

CASES CITED

- Velasco Lopez v. Decker, 978 F.3d 842 (2d Cir. 2020)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Singh v. Barr, No. 1:19-CV-01096 EAW, 2020 WL 1064848, at *10 (W.D.N.Y. Mar. 2, 2020)
- Zadvydas v. Davis, 533 U.S. 678, 701 (2001)
- Black v. Decker, 103 F.4th 133, 152 (2d Cir. 2024)
- Alvarez Ortiz v. Freden, 808 F. Supp. 3d 579, 600 (W.D.N.Y. 2025)