

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, OWENSBORO DIVISION

Roberto Salazar Rodriguez v. Kristi Noem, et al.

Civil Action No. 4:25-cv-176-RGJ (W.D. Ky. Jan. 15, 2026) · No. 4:25-cv-176-RGJ · Decided January 15, 2026

SUMMARY

The United States District Court for the Western District of Kentucky grants Roberto Salazar Rodriguez’s petition for a writ of habeas corpus challenging his detention under 8 U.S.C. § 1225 rather than § 1226. The court concludes that Rodriguez, who had lived in the United States for approximately twenty years after entering without inspection, was not seeking admission and was entitled to a custody determination and bond hearing under § 1226, with related Fifth Amendment due process protections.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Owensboro Division
JURISDICTION	United States District Court for the Western District of Kentucky, Owensboro Division
DECIDED	January 15, 2026
DOCKET	4:25-cv-176-RGJ
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus challenging immigration detention under 8 U.S.C. §§ 1225 and 1226 and asserting a Fifth Amendment due-process violation.
STANDARD OF REVIEW	The court applied the statutory-interpretation framework requiring consideration of statutory text, context, structure, titles, and the overall statutory scheme. For the due-process claim, the court applied the three-part balancing test from Mathews v. Eldridge.
PRECEDENTIAL VALUE	Unpublished federal district court memorandum opinion; persuasive authority only.
PARTIES	Roberto Salazar Rodriguez v. Kristi Noem, et al.

TOPICS

- immigration detention
- removal proceedings
- procedural due process
- due process
- statutory interpretation

PRACTICE AREAS

immigration law

habeas corpus

constitutional law

civil rights

administrative law

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2)(A), rather than 8 U.S.C. § 1226, governs the detention of a noncitizen who entered the United States without inspection, has been present in the country for approximately twenty years, and is not currently seeking admission.
2. Whether Rodriguez’s continued detention without an individualized bond hearing violated the Fifth Amendment Due Process Clause and the Immigration and Nationality Act.
3. What remedy is appropriate for detention that violated the INA and due process.

HOLDINGS

1. Section 1226, not § 1225(b)(2)(A), governs the detention of Rodriguez because he was already present in the United States, was arrested pursuant to a Form I-200 warrant, and was not seeking admission at the time of arrest.
2. Rodriguez’s continued detention without a merits bond hearing violated the Fifth Amendment Due Process Clause and the INA.
3. The appropriate remedy was immediate release from the unlawful detention, together with a bond hearing before a neutral immigration judge before any re-detention.

KEY QUOTATIONS

“Section 1226, not Section 1225, applies to his detention.”

“The current detention of Rodriguez is in violation of the Due Process Clause and the INA.”

“The United States is directed to release Petitioner Rodriguez immediately because of the unlawful detention in violation of his due process rights.”

“The United States must provide him with a bond hearing before a neutral IJ pursuant to Section 1226.”

FACTUAL BACKGROUND

Roberto Salazar Rodriguez, a native and citizen of Mexico, entered the United States without inspection in approximately 2002 or 2003 and had remained in the country for about twenty years. ICE detained him in the Chicago area on October 28, 2025, served him with a Form I-200 arrest warrant and a Form I-862 notice to appear, and identified him as an alien present in the United States rather than an arriving alien. An immigration judge denied his bond motion without a hearing, and Rodriguez remained detained despite having two U.S.-citizen children and serving as his family’s primary financial support.

PROCEDURAL HISTORY

Rodriguez filed a habeas petition after ICE detained him and an immigration judge denied his bond motion without a hearing based on *Matter of Yajure Hurtado*. The United States argued that detention was mandatory

under 8 U.S.C. § 1225(b)(2), while Rodriguez argued that § 1226 applied and entitled him to a bond hearing. The district court granted the petition, ordered immediate release, and required a bond hearing before any re-detention.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The United States must immediately release Rodriguez, provide him with a bond hearing on the merits before a neutral immigration judge pursuant to § 1226 before any re-detention, and certify compliance on the docket by January 20, 2026.

CASES CITED

- Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025)
- Edahi v. Lewis, 2025 WL 3466682, at *2–3, *9–13 (W.D. Ky. Nov. 27, 2025)
- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103, 107–09 (2020)
- Jennings v. Rodriguez, 583 U.S. 281, 288–89, 301–03 (2018)
- Rodriguez v. Bostock, 779 F. Supp. 3d 1239, 1247 (W.D. Wash. 2025)
- Aroldo Rodriguez Diaz v. Merrick Garland, Rodriguez Disa v. Garland, 53 F.4th 1189, 1197 (9th Cir. 2022)
- In re Vill. Apothecary, Inc., 45 F.4th 940, 947 (6th Cir. 2022)
- Rodriguez v. Noem, 2025 WL 3022212, at *5 (W.D. Mich. Oct. 29, 2025)
- FDA v. Brown & Williamson Tobacco Corp., 529 U.S. 120, 159 (2000)
- Roberts v. Sea-Land Servs., Inc., 566 U.S. 93, 101 (2012)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 400, 413 (2024)
- TRW Inc. v. Andrews, 534 U.S. 19, 31 (2001)
- United States ex rel. Polansky v. Executive Health Resources, Inc., 599 U.S. 419, 432 (2023)
- Dubin v. United States, 599 U.S. 110, 118, 120–21 (2023)
- Yates v. United States, 574 U.S. 528, 552 (2015) (Alito, J., concurring)
- Pizarro Reyes, 2025 WL 2609425, at *5
- Salcedo Aceros v. Kaiser, 2025 WL 2637503, at *7 (N.D. Cal. Sept. 12, 2025)
- Munoz Materano v. Arteta, 2025 WL 2630826, at *11, *15, *20 (S.D.N.Y. Sept. 12, 2025)
- Martinez v. Hyde, 792 F. Supp. 3d 211, 222 (D. Mass. 2025)
- Castañon-Nava v. Department of Homeland Security, 161 F.4th 1048, 1061–62 (7th Cir. 2025)
- Stone v. I.N.S., 514 U.S. 386, 397 (1995)
- United States v. Taylor, 596 U.S. 845, 857 (2022)
- Del Villar v. Noem, 2025 WL 3231630, at *5 (W.D. Ky. Nov. 19, 2025)
- Alonso v. Tindall, 2025 WL 3083920, at *5, *9 (W.D. Ky. Nov. 4, 2025)

- Singh v. Noem, 2026 WL 74558 (E.D. Ky. Jan. 9, 2026)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)
- A.A.R.P. v. Trump, 605 U.S. 91, 94 (2025)
- Hamdi v. Rumsfeld, 542 U.S. 507, 529 (2004)
- Zadvydas v. Davis, 533 U.S. 678, 690 (2001)
- Hyppolite v. Noem, 2025 WL 2829511, at *15–16 (E.D.N.Y. Oct. 6, 2025)
- Günaydin v. Trump, 2025 WL 1459154, at *10 (D. Minn. May 21, 2025)
- Roble v. Bondi, 2025 WL 2443453, at *5 (D. Minn. Aug. 25, 2025)
- Lopez-Arevelo v. Ripa, 2025 WL 2691828, at *12 (W.D. Tex. Sept. 22, 2025)
- Black v. Decker, 103 F.4th 133, 149–50 (2d Cir. 2024)
- Maldonado v. Baker, 2025 WL 2968042, at *9–10 (D. Md. Oct. 21, 2025)