

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Vikrant Singh Siddhu v. Misty Mackey, Warden, Midwest Regional Reception Center; Todd M. Lyons, ICE Acting Director; Markwayne Mullin, DHS Secretary; and Pamela Bondi, Attorney General

Siddhu · No. 26-3075-JWL · Decided April 14, 2026

SUMMARY

The United States District Court for the District of Kansas grants in part Vikrant Singh Siddhu’s petition for habeas corpus under 28 U.S.C. § 2241. The court holds that the Government may not detain Siddhu under 8 U.S.C. § 1225(b)(2)(A) because he was not a newly arriving alien, and that his detention is instead governed by 8 U.S.C. § 1226(a), which permits release on bond. The court orders his release on the same bond terms previously set by an immigration judge by April 21, 2026, while denying other requested relief.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	April 14, 2026
DOCKET	26-3075-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas corpus relief under 28 U.S.C. § 2241 from immigration detention without consideration for release on bond.
STANDARD OF REVIEW	Habeas review under 28 U.S.C. § 2241(c)(3), requiring a showing that the petitioner is in custody in violation of the Constitution or laws or treaties of the United States.
PRECEDENTIAL VALUE	unknown
PARTIES	Vikrant Singh Siddhu v. Misty Mackey, Warden, Midwest Regional Reception Center, Todd M. Lyons, ICE Acting Director, Markwayne Mullin, DHS Secretary, Pamela Bondi, Attorney General

TOPICS

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QUESTIONS PRESENTED

1. Whether the Government could detain petitioner under 8 U.S.C. § 1225(b)(2)(A), rather than 8 U.S.C. § 1226(a), when petitioner had been present in the United States for years before his detention and was not a newly arriving alien.
2. Whether petitioner was entitled to release on the bond terms previously set by an immigration judge rather than another bond hearing.
3. Whether petitioner's detention violated due process.

HOLDINGS

1. Because petitioner was not a newly arriving alien and had been present in the United States for years before his detention, the Government could not detain him under 8 U.S.C. § 1225(b)(2)(A); his detention pending a final removal decision was governed by 8 U.S.C. § 1226(a), which permits consideration of release on bond.
2. Petitioner was entitled to release on the same bond terms previously set by the immigration judge, rather than a new bond hearing, because the immigration judge had recently determined on the merits that petitioner should be released and no relevant circumstances had changed.
3. The district court had habeas corpus jurisdiction to consider statutory and constitutional challenges to immigration detention unrelated to a final order of removal.

KEY QUOTATIONS

*“To obtain habeas corpus relief, petitioner must demonstrate that he is “in custody in violation of the Constitution or laws or treaties of the United States.”” (at *1)*

*“The Court concludes in this case that the Government may not detain petitioner under Section 1225(b)(2)(A), and that it may therefore detain petitioner pending a final removal decision only under Section 1226(a), which allows for release on bond” (at *2)*

FACTUAL BACKGROUND

Petitioner, a citizen of India, entered the United States in February 2023 and was released on his own recognizance after being detained by immigration officials. He was detained again in December 2025 after removal proceedings were initiated. Although an immigration judge granted bond on February 23, 2026, the judge later reconsidered and denied bond on the ground that detention under 8 U.S.C. § 1225(b)(2)(A) was mandatory. Respondents did not dispute the material facts and conceded that the case was not materially distinguishable from the court's prior decision in *Galdamez Orellana*.

PROCEDURAL HISTORY

An immigration judge initially granted petitioner bond on February 23, 2026, but reconsidered and denied bond on March 6, 2026, concluding that the immigration court lacked jurisdiction because petitioner was detained under 8 U.S.C. § 1225(b)(2)(A). Petitioner filed this § 2241 habeas action on March 30, 2026. The district court granted the petition in part and ordered release on the same bond terms previously set by the immigration judge.

DISPOSITION

other

REMAND INSTRUCTIONS

Respondents must release petitioner on bond, subject to the same terms previously set by the immigration judge, on or before April 21, 2026, notify the court when relief has been provided, and ensure that release is not affected by any stay that might otherwise apply if the Government appeals the immigration judge's bond determination.

CASES CITED

- *Demore v. Kim*, 538 U.S. 510, 517-18 (2003)
- *Galdamez Orellana v. Welsh*, 2026 WL 710121 (D. Kan. Mar. 13, 2026)
- *Castro v. Bondi*, 2026 WL 890245, at *2-3 (D. Kan. Apr. 1, 2026)