

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Anibel Ernesto Lopez Sanibel v. Leonard Oddo, et al.

No. Civil No. 26-777, United States District Court for the Western District of Pennsylvania (May 18, 2026)

SUMMARY

The United States District Court for the Western District of Pennsylvania grants in part and denies in part a habeas petition challenging the detention of a Guatemalan national. The court holds that 8 U.S.C. § 1226(a), rather than the mandatory-detention provision of § 1225(b), governs the petitioner's detention and requires an individualized bond hearing. The court denies attorneys' fees under the Equal Access to Justice Act because the government's position was substantially justified.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Joy Flowers Conti
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	May 18, 2026
DOCKET	Civil No. 26-777
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus challenging immigration detention and seeking an individualized bond hearing, together with a request for attorney fees and expenses under the Equal Access to Justice Act.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo. Eligibility for EAJA fees turns on whether the government's position was substantially justified under 28 U.S.C. § 2412(d)(1)(A).
PRECEDENTIAL VALUE	Unknown; district court memorandum opinion
PARTIES	Anibel Ernesto Lopez Sanibel v. Leonard Oddo, et al.

TOPICS

- immigration detention
- statutory interpretation
- attorney fees
- immigration
- civil procedure

PRACTICE AREAS

immigration

habeas corpus

immigration detention

attorney fees

QUESTIONS PRESENTED

1. Whether Sanibel's detention is governed by the discretionary detention authority in 8 U.S.C. § 1226(a) or the mandatory detention provision in § 1225(b)(2).
2. Whether Sanibel is entitled to an individualized bond hearing.
3. Whether Sanibel is entitled to attorney fees and expenses under the Equal Access to Justice Act.

HOLDINGS

1. Section 1226(a), rather than the mandatory detention provision of § 1225(b)(2), governs the detention of a noncitizen similarly situated to Sanibel who is already present in the United States and is not seeking admission at a port of entry.
2. Because Sanibel's detention is governed by 8 U.S.C. § 1226(a), he has a statutory right to an individualized bond hearing before a neutral immigration judge.
3. Sanibel is not entitled to attorney fees and expenses under the Equal Access to Justice Act because the government's incorrect interpretation of the applicant-for-admission provision was substantially justified.

KEY QUOTATIONS

“Petitioner's detention is governed by § 1226(a) and the court concludes that he has a statutory right to an individualized bond hearing.”

“The court concludes that Respondents' interpretation of § 1225(a), while incorrect, is substantially justified.”

FACTUAL BACKGROUND

Sanibel is a native and citizen of Guatemala who was detained in the interior of the United States. He argued that his detention was governed by the discretionary detention statute, 8 U.S.C. § 1226(a), rather than the mandatory detention provision applicable to certain applicants for admission under § 1225(b)(2). Respondents argued that the § 1225(a) definition of applicant for admission includes noncitizens who have already resided in the interior of the country.

PROCEDURAL HISTORY

Sanibel filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. Respondents opposed the petition, and the matter was submitted for decision. The court granted the petition in part by ordering an individualized bond hearing and denied the request for attorney fees and expenses.

DISPOSITION

other

REMAND INSTRUCTIONS

Within ten days of the order, Petitioner must receive an individualized bond hearing before a neutral immigration judge pursuant to 8 U.S.C. § 1226. Within seven days after the hearing, the parties must notify the court of its outcome. All additional relief, including attorney fees and expenses, is denied.

CASES CITED

- *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018)
- *Bethancourt Soto v. Soto*, No. 25-CV-16200, 2025 WL 2976572, at *2 (D.N.J. Oct. 22, 2025)
- *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026)
- *Avila v. Bondi*, 2026 WL 819258 (8th Cir. Mar. 25, 2026)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA ANIBEL ERNESTO LOPEZ SANIBEL,) Petitioner,)) Civil No. 26-777 v.)) LEONARD ODDO, et. al.,) Respondents.) MEMORANDUM OPINION Pending now before the court is a Petition for Writ of Habeas Corpus (ECF No. 1) filed by Anibel Ernesto Lopez Sanibel (“Sanibel”). Leonard Oddo, et.al. (collectively, “Respondents”) filed a response in opposition (ECF No. 5).

The petition is ripe for decision. Sanibel, a native and citizen of Guatemala, asserts that he is subject to discretionary detention pursuant to 8 U.S.C. § 1226(a) and not mandatory detention under § 1225(b)(2) and, therefore, that he is entitled to a bond hearing. Section 1226 applies to aliens who are “already present in the United States[.]” *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018), while the mandatory detention provision of § 1225 governs detention of “applicants for admission” to the United States.

Bethancourt Soto v. Soto, No. 25-CV-16200, 2025 WL 2976572, at *2 (D.N.J. Oct. 22, 2025). The Court of Appeals for the Third Circuit has not addressed this issue. The court joins the other judges of this district court in holding that § 1226(a), rather than the mandatory detention provision of § 1225(b), applies to aliens similarly situated to Petitioner, who are not seeking admission at a port of entry but rather are already present in the country.

The court is aware of the contrary decisions reached by the United States Court of Appeals for the Fifth Circuit in *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026), and the Eighth Circuit in *Avila v. Bondi*, -- F.4th --, 2026 WL 819258 (8th Cir. March 25, 2026). Petitioner’s detention is governed by § 1226(a) and the court concludes that he has a statutory right to an individualized bond hearing.

To the extent that Petitioner seeks an award of attorneys’ fees and expenses pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), the court concludes that they will not be awarded. Under the EAJA, a court may award fees and expenses to a prevailing party against the

United States, unless “the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.” 28 U.S.C. § 2412(d)(1)(A).

The key issue here is whether Petitioner is an “applicant for admission” under 8 U.S.C. § 1225(a). Respondents argued that “applicant for admission” includes noncitizens like Petitioner who have already been residing in the interior of the United States.

The court concludes that Respondents’ interpretation of § 1225(a), while incorrect, is substantially justified. The court is mindful that the United States Court of Appeals for the Third Circuit has not yet interpreted the meaning of “applicant for admission” under § 1225(a), and that the two United States Courts of Appeals to have considered this issue ruled that “applicant for admission” includes noncitizens like Petitioner who have resided in the interior of the country for years.

See Buenrostro-Mendez; Avila. The court concludes that Petitioner is not entitled to attorneys’ fees under the EAJA. Conclusion For the reasons set forth above, the Petition for Writ of Habeas Corpus (ECF No. 1) will be GRANTED IN PART and DENIED IN PART. It will be GRANTED in that within ten (10) days of this Order, Petitioner must receive an individualized bond hearing before a neutral immigration judge pursuant to 8 U.S.C. § 1226.

Within seven (7) days thereafter, the parties shall provide notice to the court of the outcome of the bond hearing. The petition will be DENIED to the extent it requests any additional relief. An appropriate Order will be entered. Dated: May 18, 2026 BY THE COURT: /s/ Joy Flowers Conti
Joy Flowers Conti Senior United States District Court Judge