

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Lorena Alarcon Alarcon v. Kristi Noem, et al.

Noem · No. 4:26CV3046 · Decided February 17, 2026

SUMMARY

The United States District Court for the District of Nebraska issued an order to show cause in Lorena Alarcon Alarcon's habeas action challenging her immigration detention and the denial of a bond hearing. The court ordered the respondents to respond within three business days, set a prompt hearing, and barred the petitioner's removal from the United States or the District of Nebraska pending further order.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Susan M. Bazis
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	February 17, 2026
DOCKET	4:26CV3046
DISPOSITION	other
PROCEDURAL POSTURE	The court considered a verified petition for a writ of habeas corpus challenging immigration detention and issued an order to show cause rather than resolving the merits.
STANDARD OF REVIEW	Under 28 U.S.C. § 2243, the court determines from the face of the habeas application whether it appears that the petitioner is not entitled to relief; if not, the court must issue a writ or order the respondent to show cause.
PRECEDENTIAL VALUE	unknown
PARTIES	Lorena Alarcon Alarcon v. Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security, Pamela Bondi, in her official capacity as Attorney General of the United States, Todd M. Lyons, in his official capacity as Acting Director of United States Immigration and Customs Enforcement, David Easterwood, in his official capacity as Acting St. Paul Field Office Director for Enforcement and Removal Operations, United States Immigration and Customs Enforcement, Jerome J. Kramer, in

his official capacity as Lincoln County Sheriff, Official of Lincoln County Detention Center

TOPICS

immigration detention

removal proceedings

injunctions

civil procedure

PRACTICE AREAS

immigration

habeas corpus

federal civil procedure

injunctive relief

QUESTIONS PRESENTED

1. Whether the court should issue an order to show cause under 28 U.S.C. § 2243 because the face of the habeas petition did not establish that petitioner was not entitled to relief.
2. Whether the court should temporarily prohibit respondents from removing petitioner from the United States or the District of Nebraska to preserve the status quo and the court's jurisdiction while the habeas petition was being adjudicated.

HOLDINGS

1. Because the court could not conclude from the face of the petition that petitioner was not entitled to relief, it ordered respondents to show cause why the writ of habeas corpus should not be granted.
2. To preserve the status quo and the court's jurisdiction, respondents were ordered not to remove petitioner from the United States or the District of Nebraska until further order of the court.

KEY QUOTATIONS

"The Court cannot say from the face of the petition that Alarcon Alarcon is not entitled to relief." (Order)

"Further, the Court finds cause to preserve the status quo and the Court's jurisdiction by ordering that Alarcon Alarcon may not be removed from the United States or the District of Nebraska until further order of this Court." (Order)

FACTUAL BACKGROUND

Lorena Alarcon Alarcon, a Mexican citizen who had lived in the United States since 2000, was arrested on a misdemeanor domestic-violence assault charge. About a week later, ICE detained her and placed her in removal proceedings. An immigration judge denied her request for bond based on *Matter of Yajure Hurtado*, and she remained detained at the Lincoln County Detention Center. She sought immediate release or, alternatively, a bond hearing within seven days.

PROCEDURAL HISTORY

Petitioner alleged that Immigration and Customs Enforcement detained her after a misdemeanor arrest and placed her in removal proceedings. An immigration judge denied bond based on *Matter of Yajure Hurtado*. The district court found that the face of the petition did not establish that petitioner was not entitled to relief, ordered

respondents to show cause, established an expedited briefing schedule, and temporarily barred removal pending further order.

DISPOSITION

other

CASES CITED

- Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025)
- A.A.R.P. v. Trump, 145 S. Ct. 1364, 1368 (2025)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA
LORENA ALARCON ALARCON, Petitioner, 4:26CV3046 vs. ORDER TO SHOW CAUSE
KRISTI NOEM, in their official capacity as Secretary of the United States Department of
Homeland Security; PAMELA BONDI, in their official capacity as Attorney General of the United
States; TODD M. LYONS, in their official capacity as Acting Director of the United States
Immigration and Customs Enforcement; DAVID EASTERWOOD, in their official capacity as
Acting St. Paul Field Office Director for Enforcement and Removal Operations, United States
Immigration and Customs Enforcement; and JEROME J. KRAMER, in their official capacity as
Lincoln County Sheriff, Official of Lincoln County Detention Center; Respondents.

This matter is before the Court on Petitioner Lorena Alarcon Alarcon's (Alarcon Alarcon) Verified
Petition for Writ of Habeas Corpus. (Filing No. 1). Alarcon Alarcon is a Mexican citizen who has
lived in the United States since 2000. (Filing No. 1 at 4-5).

In December 2025, U.S. Immigrations and Customs Enforcement (ICE) agents interviewed her at
the Platte County Jail following her arrest on a misdemeanor domestic violence assault charge.
(Filing No. 1 at 7). ICE detained and placed Alarcon Alarcon in removal proceedings around one
week later. (Filing No. 1 at 2). An immigration judge denied her request to be released on bond
during the pendency of removal proceedings because of the Board of Immigration Appeals'
decision in Matter of Yajure Hurtado, 29 I. & N. Dec.

216 (BIA 2025). (Filing No. 1-4). Alarcon Alarcon remains in custody at the Lincoln County
Detention Center in North Platte, Nebraska. (Filing No. 1 at 3). Alarcon Alarcon alleges her
detention is unlawful. She seeks immediate release or, alternatively, an order directing
Respondents to provide her with a bond hearing within seven days. (Filing No. 1 at 25).

The habeas statute provides that a court must grant the petition for a writ or order Respondents to
"show cause why the writ should not be granted unless it appears from the application that
[Alarcon Alarcon] is not entitled" to relief. 28 U.S.C. § 2243.

The order to show cause must be “directed to the person having custody of [Alarcon Alarcon].” Id. The order must “be returned within three days” unless “good cause for additional time, not to exceed twenty days, is allowed.” Id. Moreover, the person to whom the order is directed “shall make a return certifying the true cause of [Alarcon Alarcon’s] detention.” Id. The Court cannot say from the face of the petition that Alarcon Alarcon is not entitled to relief.

Accordingly, the Court orders Alarcon Alarcon to serve her petition and a copy of this Order on Respondents and file proof of service with the Court. Respondents shall then show cause why the writ should not be granted.

After Alarcon Alarcon replies, the Court will set a hearing on the matter. The Court finds the need to serve Respondents and the complexity of the legal issues constitute good cause for the briefing schedule to the extent it allows a response beyond the three days ordinarily allowed under 28 U.S.C. § 2243. Further, the Court finds cause to preserve the status quo and the Court’s jurisdiction by ordering that Alarcon Alarcon may not be removed from the United States or the District of Nebraska until further order of this Court.

See 28 U.S.C. § 1651; A.A.R.P. v. Trump, 145 S. Ct. 1364, 1368 (2025) (“grant[ing] temporary injunctive relief” against removal “to preserve our jurisdiction” while adjudicating the merits). Accordingly, IT IS ORDERED: 1. Petitioner Lorena Alarcon Alarcon shall serve her Petition for Writ of Habeas Corpus (Filing No. 1) and a copy of this Order on Respondents as soon as is practicable, and file proof of such service with the Court.

2. Respondents shall, within three business days of being served, make a return certifying the true cause of the petitioner’s detention and showing cause why the writ should not be granted. 3. Petitioner shall reply in support of her petition within three business days of the Respondents’ return. 4.

The Court will then set a prompt hearing on this matter. 5. Respondents shall not remove Petitioner from the United States or the District of Nebraska until further order of the Court. Dated this 17th day of February, 2026. BY THE COURT: Susan M. Bazis United States District Judge