

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, NORTHERN DIVISION AT COVINGTON

Pride Ngu Fon v. Samuel Olson, et al.

Pride Ngu Fon v. Olson, Civil Action No. 26-10-DLB (E.D. Ky. Feb. 10, 2026) · No. Civil Action No. 26-10-DLB · Decided February 10, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky considers Pride Ngu Fon’s 28 U.S.C. § 2241 habeas petition challenging his immigration detention. The court holds that Fon’s detention is governed by 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in § 1225(b)(2)(A), because he had been present in the United States for more than two years and was not actively seeking admission. The court grants the petition and concludes that Fon is eligible to request a bond hearing before an immigration judge.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Northern Division at Covington
WRITING FOR THE COURT	David L. Bunning
JURISDICTION	United States District Court for the Eastern District of Kentucky, Northern Division at Covington
DECIDED	February 10, 2026
DOCKET	Civil Action No. 26-10-DLB
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention.
STANDARD OF REVIEW	The court interpreted the applicable detention statutes de novo and evaluated the due-process claim under the three-factor balancing test from Mathews v. Eldridge.
PRECEDENTIAL VALUE	Nonprecedential district-court decision; persuasive only outside the case.
PARTIES	Pride Ngu Fon v. Samuel Olson, et al.

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QUESTIONS PRESENTED

1. Whether Fon's detention was governed by the mandatory-detention provision in 8 U.S.C. § 1225(b)(2) (A) or the discretionary detention and bond-hearing provision in 8 U.S.C. § 1226(a).
2. Whether the entry-fiction doctrine deprived Fon of due-process protections because he had not been formally admitted or paroled into the United States.
3. Whether Fon's detention without an individualized bond hearing violated the Fifth Amendment Due Process Clause.

HOLDINGS

1. Section 1225(b)(2)(A) applies to noncitizens who are seeking admission, particularly arriving aliens, while § 1226(a) governs noncitizens already present in the United States and detained pending removal proceedings. Because Fon had resided in the United States for more than two years and was not arriving or actively seeking admission, his detention was governed by § 1226(a), which entitled him to request a bond hearing.
2. The entry-fiction doctrine did not apply to Fon because he had resided in the United States for more than two years, was not detained shortly after unlawful entry, and was not formally paroled into the country.
3. Fon's detention without an individualized bond hearing violated the Fifth Amendment Due Process Clause, and he was entitled to an individualized custody determination.

KEY QUOTATIONS

“At its core, habeas provides “a remedy for unlawful executive detention””

“For a noncitizen to be mandatorily detained under § 1225(b)(2)(A), they must be an applicant for admission who is also seeking admission.”

“Thus, an alien present in the United States can qualify as an “applicant for admission” under § 1225 without also “seeking admission” by necessity.”

“The plain language of the statutes, the overall structure, the intent of Congress, and over 30 years of agency action make clear that Section 1226(a) is the appropriate statutory framework ... for noncitizens who are already in the country and facing removal.”

“Accordingly, all three factors weigh in favor of Fon.”

FACTUAL BACKGROUND

Fon, a native and citizen of Cameroon, entered the United States in December 2023 and remained in the country for more than two years. DHS issued him a Notice to Appear identifying him as present in the United States

without having been admitted or paroled, rather than as an arriving alien. ICE detained him at a regular check-in on or about December 16, 2025, and he was held at the Kenton County Detention Center pending removal proceedings without receiving a bond hearing.

PROCEDURAL HISTORY

Fon filed a § 2241 habeas petition challenging his detention by Immigration and Customs Enforcement and seeking immediate release or, alternatively, a bond hearing before an immigration judge. Respondents filed a response, Fon filed a reply, and the matter became ripe for decision. The district court granted the petition and ordered immediate release or a bond hearing under 8 U.S.C. § 1226(a) within seven days.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must immediately release Fon or provide him with a bond hearing under 8 U.S.C. § 1226(a) within seven days of the order. Respondents must file a status report by February 24, 2026 certifying compliance and stating the outcome and reasons for any bond denial.

CASES CITED

- *Munaf v. Geren*, 553 U.S. 674, 693 (2008)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 525, 531 (2004)
- *Rasul v. Bush*, 542 U.S. 466, 483 (2004)
- *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 386, 400, 412-13 (2024)
- *Walters v. Metropolitan Educational Enterprises, Inc.*, 519 U.S. 202, 207 (1997)
- *Roberts v. Sea-Land Services, Inc.*, 566 U.S. 93, 101 (2012)
- *Barrera v. Tindall*, No. 3:25-cv-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025)
- *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025)
- *Dubin v. United States*, 599 U.S. 110, 120-21 (2023)
- *Edahi v. Lewis*, No. 4:25-cv-129-RGJ, 2025 WL 3466682 (W.D. Ky. Nov. 27, 2025)
- *Castañon-Nava v. U.S. Department of Homeland Security*, 161 F.4th 1048, 1061-62 (7th Cir. 2025)
- *J.G.O. v. Francis*, No. 25-cv-7233, 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025)
- *Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025)
- *Diaz v. Marinez*, 792 F. Supp. 3d 211, 218 (D. Mass. 2025)
- *Star Athletica, LLC v. Varsity Brands, Inc.*, 580 U.S. 405, 414 (2017)
- *Gustafson v. Alloyed Co., Inc.*, 513 U.S. 561, 585 (1995) (Thomas, J., dissenting)
- *Ochoa Ochoa v. Noem*, No. 25-cv-10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025)
- *Sanchez v. Mayorkas*, 593 U.S. 409, 415 (2021)
- *Jennings v. Rodriguez*, 583 U.S. 281, 288, 289, 298, 303 (2018)

- *Zadvydass v. Davis*, 533 U.S. 678, 690, 693 (2001)
- *Leng May Ma v. Barber*, 357 U.S. 185, 187-90 (1958)
- *Stone v. I.N.S.*, 514 U.S. 386, 397 (1995)
- *Marx v. General Revenue Corp.*, 568 U.S. 371, 386 (2013)
- *Mejia Olalde v. Noem*, No. 1:25-cv-00168-JMD, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025)
- *Rojas v. Olson*, No. 25-cv-1437-bhl, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025)
- *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026)
- *Wright v. Spaulding*, 939 F.3d 695, 699 (6th Cir. 2019)
- *Department of Homeland Security v. Regents of the University of California*, 591 U.S. 1, 22 (2020)
- *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 139-40 (2020)
- *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)
- *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950)
- *Nishimura Ekiu v. United States*, 142 U.S. 651, 660 (1892)
- *Kaplan v. Tod*, 267 U.S. 228, 230-31 (1925)
- *Make the Road New York v. Noem*, No. 25-5320, 2025 WL 3563313, at *22 (D.C. Cir. Nov. 22, 2025)
- *A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025)
- *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025)
- *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)
- *Yamataya v. Fisher*, 189 U.S. 86, 101 (1903)
- *Goldberg v. Kelly*, 397 U.S. 254, 268 (1970)
- *Rodriguez-Acurio v. Almodovar*, No. 2:25-cv-6065 (NJ), 2025 WL 3314420, at *26 (E.D.N.Y. Nov. 28, 2025)
- *Yao v. Almodovar*, No. 25 Civ. 9983 (PAE), 2025 WL 3653433, at *11 (S.D.N.Y. Dec. 17, 2025)
- *Gdinaydin v. Trump*, No. 25-cv-01151, 2025 WL 1459154, at *10 (D. Minn. May 21, 2025)
- *Am.-Arab Anti-Discrimination Committee v. Ashcroft*, 272 F. Supp. 2d 650, 667-68 (E.D. Mich. 2003)