

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, MONROE DIVISION

Lilian Munoz Alvarez v. U.S. Immigration & Customs Enforcement,
et al.

Munoz Alvarez · No. Civil Action No. 26-1053; 3:26-cv-01053 · Decided April 9, 2026

SUMMARY

This Report and Recommendation addresses a 28 U.S.C. § 2241 habeas petition by an Ecuadorian detainee challenging her continued immigration detention under *Zadvydas v. Davis*. The court concludes that the claim is premature because less than six months had elapsed after the removal order became final. It recommends dismissal without prejudice, subject to the petitioner's right to refile if her continued confinement later becomes unconstitutional.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Monroe Division
WRITING FOR THE COURT	Kayla Dye McClusky
JURISDICTION	United States District Court for the Western District of Louisiana, Monroe Division
DECIDED	April 9, 2026
DOCKET	Civil Action No. 26-1053; 3:26-cv-01053
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging continued immigration detention and seeking release on bond or parole; magistrate judge issued a report and recommendation that the petition be dismissed without prejudice as premature.
STANDARD OF REVIEW	The court assessed subject-matter jurisdiction under 28 U.S.C. § 2241 and applied the presumptively reasonable six-month post-removal-order detention period under <i>Zadvydas v. Davis</i> .
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Lilian Munoz Alvarez v. U.S. Immigration & Customs Enforcement, et al.

TOPICS

immigration detention removal proceedings subject matter jurisdiction judicial review of agency action
procedural due process

PRACTICE AREAS

immigration law habeas corpus federal courts administrative law constitutional law

QUESTIONS PRESENTED

1. Whether the federal district court had jurisdiction under 28 U.S.C. § 2241 to consider Petitioner's constitutional challenge to her immigration detention.
2. Whether Petitioner's Zadvydas-based challenge to her continued post-removal-order detention was premature because she had not been detained for six months after the removal order became final.

HOLDINGS

1. Federal courts retain jurisdiction under § 2241 to review constitutional or statutory challenges to immigration detention that do not challenge a final order of removal, although the REAL ID Act and related statutes restrict review of final removal orders and discretionary detention, bond, or parole decisions.
2. A Zadvydas-based challenge to post-removal-order detention was premature because Petitioner had not been detained for six months after her removal order became final.

KEY QUOTATIONS

“if an alien is detained for six months after a final order of removal and if the alien petitioning for habeas corpus “provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” (533 U.S. 701)

“IT IS RECOMMENDED that Petitioner Lilian Munoz Alvarez’s petition for release under Zadvydas be DISMISSED WITHOUT PREJUDICE to her right to re-file the claim should her confinement become unconstitutional.” (Recommendation)

FACTUAL BACKGROUND

Petitioner, an Ecuadorian citizen, entered the United States on December 26, 2025, and was taken into immigration custody the same day. She was ordered removed to Guatemala on February 2 or 17, 2026, and did not appeal the order to the Board of Immigration Appeals. She alleged that ICE was unlikely to remove her in the reasonably foreseeable future and sought release from detention on bond or parole, but she filed her petition before six months had elapsed after the removal order became final.

PROCEDURAL HISTORY

Petitioner filed the § 2241 petition on March 28, 2026. The matter was referred to the magistrate judge for review, report, and recommendation. The magistrate judge recommended dismissal without prejudice because the petition was filed less than six months after the removal order became final.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The petition should be dismissed without prejudice to Petitioner's right to re-file the claim should her confinement become unconstitutional.

CASES CITED

- *Zadvydas v. Davis*, 533 U.S. 678 (2001)
- *Moreira v. Mukasey*, 509 F.3d 709, 712 (5th Cir. 2007)
- *Jennings v. Rodriguez*, 138 S. Ct. 830, 841 (2018)
- *Demore v. Kim*, 538 U.S. 510, 516 (2003)
- *Aracely, R. v. Nielsen*, 319 F. Supp. 3d 110, 135 (D.D.C. 2018)
- *Oyelude v. Chertoff*, 125 F. App'x 543, 546 (5th Cir. 2005)
- *Garza-Garcia v. Moore*, 539 F. Supp. 2d 899, 903 (S.D. Tex. 2007)
- *Maldonado v. Macias*, 150 F. Supp. 3d 788, 794 (W.D. Tex. 2015)
- *Chance v. Napolitano*, 453 F. App'x 535 (5th Cir. 2011) (per curiam)
- *Okpoju v. Ridge*, 115 F. App'x 302 (5th Cir. 2004) (per curiam), cert. denied, 544 U.S. 1066 (2005)
- *Riley v. Bondi*, 606 U.S. 259, 267 (2025)
- *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996)