

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Carlos Alberto Amendano Sucuzhanay v. Todd Lyons, et al.

Sucuzhanay · No. Civil No. 26-1024 · Decided June 9, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania held that 8 U.S.C. § 1226(a), rather than the mandatory-detention provision of § 1225(b), governs the detention of a noncitizen who is already present in the United States and not seeking admission at a port of entry. The court granted the habeas petition in part and ordered an individualized bond hearing before a neutral immigration judge. It denied the petitioner's request for 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	June 9, 2026
DOCKET	Civil No. 26-1024
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus challenging the statutory basis for Petitioner's immigration detention and seeking an individualized bond hearing, with an additional request for attorneys' fees and expenses under the Equal Access to Justice Act.
STANDARD OF REVIEW	The court interpreted the governing immigration-detention statutes and applied the Equal Access to Justice Act's substantially-justified standard to the fee request.
PRECEDENTIAL VALUE	Nonprecedential district court memorandum opinion
PARTIES	Carlos Alberto Amendano Sucuzhanay v. Todd Lyons, et al.

TOPICS

- federal habeas corpus
- immigration detention
- statutory interpretation
- remedies

PRACTICE AREAS

Immigration

Federal habeas corpus

Immigration detention

Statutory interpretation

Remedies

QUESTIONS PRESENTED

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

KEY QUOTATIONS

“The court joins the other judges of this district 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.”

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

FACTUAL BACKGROUND

Suczhanay stated that he had been in the United States for 26 years and had two minor children who are United States citizens. He contended that his detention was discretionary under 8 U.S.C. § 1226(a), rather than mandatory under 8 U.S.C. § 1225(b)(2), because he was already present in the interior and was not seeking admission at a port of entry. The court accepted that statutory characterization for purposes of ordering a bond hearing but concluded that the government's contrary position was substantially justified for purposes of the EAJA.

PROCEDURAL HISTORY

Suczhanay filed a habeas petition under 28 U.S.C. § 2241. Respondents filed an opposition, and the petition became ripe for decision. The court granted the petition in part by ordering an individualized bond hearing and denied additional relief, including EAJA 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.

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, -- F.4th --, 2026 WL 819258 (8th Cir. Mar. 25, 2026)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA CARLOS ALBERTO AMENDANO) SUCUZHANAY,) Petitioner,)) Civil No. 26-1024 v.)) TODD LYONS, et. al.,) Respondents.) MEMORANDUM OPINION Pending now before the court is a Petition for Writ of Habeas Corpus (ECF No. 1) filed by Carlos Alberto Amendano Sucuzhanay (“Sucuzhanay”). Todd Lyons, et.al. (collectively, “Respondents”) filed a response in opposition (ECF No. 9).

The petition is ripe for decision. Sucuzhanay, who did not identify his citizenship in the Petition but asserts he has been in the United States for 26 years and has two minor children who are United States citizens, 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: June 9, 2026 BY THE COURT: /s/ Joy Flowers Conti
Joy Flowers Conti Senior United States District Court Judge