

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ESPINOZA, Petitioner v. LOWE, et al.,¹ Respondents	: : : : : : : : : : :	CIVIL ACTION NO. 1:26-CV-2
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ORDER

Presently is a petition (Doc. 1) for a writ of habeas corpus filed by Segundo Espinoza. E is an Ecuadorian national who entered the United States without inspection or parole. (Doc. 5 at 4-5). On July 19, 2025, U.S. Immigration and Customs Enforcement (“ICE”) detained him in West Nanticoke, pending his removal proceedings. (*Id.* at 5). ICE is currently detaining Espinoza pursuant to 8 U.S.C. § 1225(b)(2). (*Id.* at 20).

As explained in greater detail in this court’s decision Chaudhari v. Rose, No. 3:26-CV-242, 2026 WL 540378, at *5-6 (M.D. Pa. Feb. 26, 2026), Section 1225(b)(2) is inapplicable to people like Espinoza who were detained not at this country’s border, but in the interior. Rather, if ICE wishes to detain Espinoza, it must do so under 8 U.S.C. § 1226(a). Chaudhari, 2026 WL 540378, at *6. In order to be detained under that provision, Espinoza must be provided an individualized bond

¹ Though the petition names several parties, the only true respondent should be the warden of the facility having custody over Espinoza. Rumsfeld v. Padilla, 542 U.S. 426, 434-35 (2004).

hearing. Id. That has not happened and so Espinoza's detention is currently unlawful.

Therefore, AND NOW, this 19th day of March, 2026, it is hereby ORDERED that:

1. The petition for writ of habeas corpus (Doc. 1) is GRANTED.
2. Respondent shall IMMEDIATELY RELEASE petitioner from custody on his own recognizance.
3. Respondent shall certify compliance with this order by filing a declaration or affidavit pursuant to 28 U.S.C. § 1746 no later than **March 31, 2026 at 5:00 p.m.** confirming that petitioner has been released from detention.
4. Respondent and the government are PERMANENTLY ENJOINED from detaining petitioner pursuant to 8 U.S.C. § 1225.
5. Within 30 days of the date of this order, petitioner may file a motion for fees and costs pursuant under the Equal Access to Justice Act. See Michelin v. Warden Moshannon Valley Corr. Ctr., __ F. 4th __, No. 24-2990, 2026 WL 263483 (3d Cir. Feb. 2, 2026).
6. The Clerk of Court is directed to enter judgment in favor of petitioner and close this case.

/S/ KELI M. NEARY
Keli M. Neary
United States District Judge
Middle District of Pennsylvania