

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VIRGINIA LISSBETH PINEDA
LEMUS,

Petitioner,

vs.

KRISTI NOEM, in their official
capacity as Secretary of the United
States Department of Homeland
Security,

Respondents.

4:26-CV-3078

MEMORANDUM AND ORDER
GRANTING PETITION FOR WRIT
OF HABEAS CORPUS

The petitioner is a noncitizen currently detained by U.S. Immigration and Customs Enforcement (ICE), seeking a writ of habeas corpus under 28 U.S.C. § 2241. She contends her detention is unlawful because, among other reasons, she was denied a bond hearing pursuant to 8 C.F.R. §§ 236.1(d)(1) and 1236.1(d)(1). *See* filing 1. The government responds that detention is mandatory, not discretionary, and the petitioner is not eligible to be released. *See* filing 10.

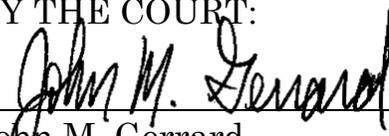
The briefing demonstrates that the petitioner's application for the writ only presents issue of law—and the government concedes this point, *see* filing 10 at 16—so the Court declines to hold a hearing. *See* § 2243. The Court is unpersuaded by the government's arguments concerning 8 U.S.C. §§ 1225 and 1226 for the reasons explained in *Velasco Hurtado v. Bondi*, No. 0:26-CV-546, 2026 WL 184884 (D. Minn. Jan. 24, 2026). And the Court finds that outright release, rather than a bond hearing, is the appropriate remedy, for the reasons explained in *Salazar v. Noem*, No. 0:26-CV-1040, 2026 WL 381889 (D. Minn. Feb. 11, 2026).

IT IS ORDERED:

1. The Petition for Writ of Habeas Corpus (filing 1) is granted.
2. The government shall release the petitioner from custody with no new conditions, and shall return any personal property seized from the petitioner when detained.
3. No later than **March 17, 2026**, the government shall file a status report certifying compliance with this Order.
4. A separate judgment will be entered.

Dated this 13th day of March, 2026.

BY THE COURT:



John M. Gerrard
Senior United States District Judge