

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Atvandil B.....,

Petitioner,

-against-

Kristi Noem et al.,

Respondents.

26-CV-61...

ORDER

ARUN SUBRAMANIAN, United States District Judge:

The Court orders petitioner's release within 24 hours. Petitioner was allegedly detained pursuant to 8 U.S.C. § 1225(b)(2) and has argued that his detention should have instead been under 8 U.S.C. § 1226(a). The government has conceded that the Court's prior decision in *J.G.O. v. Francis* would govern the outcome of this petition. 2025 WL 3040132 (Oct. 28, 2025). Consistent with that decision, the Court finds that petitioner is detained pursuant to § 1226(a), not § 1225(b)(2). The documentation accompanying petitioner's detention indicates that he was detained at an immigration appointment at 26 Federal Plaza without any evidence of discretion or adherence to the procedures required by regulation on a § 1226(a) detainment. Dkt. 7-1. The government has not contested the remedy of release in this case, and so the Court orders petitioner's release.

The government should file a letter within one day after petitioner's release, confirming its compliance with this order.

SO ORDERED.

Dated: January 30, 2026
New York, New York



ARUN SUBRAMANIAN
United States District Judge