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New York Law Journal

EASTERN DISTRICT ROUNDUP

Habeas Relief Granted: Court Orders Release of ICE Custody

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February 11, 2026

1. Habeas Petition Granted

In *Molina v. DeLeon* (EDNY, Dec. 23, 2025), Judge Azrack granted a petition for habeas corpus, ordering that petitioner be released from Immigration and Customs Enforcement (ICE) custody.

On Nov. 23, 2025, ICE agents stopped petitioner's vehicle, arrested him, and transported him to the Central Islip Processing Center. The next day, petitioner filed a petition for habeas corpus. On Dec. 9, Azrack granted a temporary restraining order directing that ICE immediately release petitioner from custody.

Petitioner and ICE disputed which of two Immigration and Nationality Act (INA) provisions—8 U.S.C. §1225(b)(2)(A) or 8 U.S.C. §1226(a)—provided the statutory basis for petitioner's detention. Under Section 1225, detention is mandatory "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. §1225(b)(2)(A). Under Section 1226, meanwhile, detention is discretionary "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. §1226(a). Moreover, an individual detained under Section 1226 is entitled to an individualized custody determination upon arrest and to receive a bond redetermination hearing before an immigration judge upon request.

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The government argued that petitioner was detained under Section 1225 and that all applicants for admission (regardless of how long they have been in the country) are subject to mandatory detention and not eligible for bond. Petitioner claimed that Section 1225 did not apply because he was not "seeking admission" to the country under Section 1225 but was, instead, already in the country, and therefore Section 1226 applied.

Azrack ruled that petitioner, because he was already in the country rather than presenting himself at the border or being detained shortly after entering the country, was detained under Section 1226. "In so holding, the court join[ed] the hundreds of district court

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decisions that have rejected Respondents' expansive interpretation of Section 1225 as inconsistent with the plain text and overall structure of the INA." A recent ruling from the Seventh Circuit and dicta from the Supreme Court further bolstered those district court rulings.

Moreover, the warrant authorizing petitioner's detention specifically cited to Section 1226. ICE offered no explanation for "how Petitioner could be detained pursuant to Section 1225 when the warrant authorizing his detention cites to Section 1226." But there was no need to rely on this argument given that the statutory interpretation already favored petitioner.

Further, petitioner appeared to belong to the nationwide class certified in the Central District of California where the court resolved the same question of statutory interpretation. To the extent petitioner was a member of that class, it would resolve the petition in his favor. But the court did not need to address that issue, having already decided that "the interpretation of Sections 1225 and 1226 advanced by Petitioner and adopted by hundreds of district court decisions is the correct one." Slip op. 8. Where Section 1225 did not apply, "Petitioner's detention without an individualized custody determination or a bond hearing was unlawful because it failed to comply with the procedural guarantees set forth in 8 U.S.C. §1226(a) and its implementing regulations," and also violated petitioner's "Fifth Amendment right to due process."

Because release from custody is the typical remedy for an unlawful detention, Azrack converted the temporary relief ordering petitioner's release to a final order granting release from custody.

2. New York's "Rifle Bill" Constitutional

In *McGregor v. Suffolk County,* 23 CV 1130 (EDNY, Dec. 22, 2025), Judge Brown upheld New York's so-called "Rifle Bill" against plaintiffs' constitutional challenge.

Plaintiffs brought suit against state and local officials (the County Defendants), raising facial and as-applied challenges to New York Senate Bill 9458 (the Rifle Bill), which, inter alia, (i) requires an individual to obtain a semiautomatic rifle license or receive an endorsement on an existing pistol license to purchase a semiautomatic rifle, N.Y. Penal Law §400.00(1); (ii) mandates that semiautomatic rifle owners register their rifles on their license before taking possession, N.Y. Penal Law §400.00(9); and (iii) allows licensing officers to consider an applicant's "character, temperament and judgment" in determining whether to grant a license, N.Y. Penal Law §400.00(1)(b).

Plaintiffs contended that (i) the Rifle Bill facially violates the Second Amendment, and (ii) the County Defendants violated the Second Amendment in implementing the Rifle Bill. Since the Second Amendment covered plaintiffs' conduct of purchasing and owing semiautomatic rifles, defendants were required to "demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation." (*Quoting New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 17 (2022)). However, "[j]ust as 'the reach of the Second Amendment is not limited only to those arms that were in existence at the founding… the Second Amendment permits more than just those regulations identical to ones that could be found in 1791.'" (*Quoting United States v. Rahimi,* 602 U.S. 680, 691-92 (2024)).

Brown provided several examples of states imposing licensing and registration requirements on firearm usage dating back to the colonial era, including licensing and registration regimes "in which a local official undertakes certain individualized, discretionary determinations regarding an applicant's moral character…" Brown further detailed historical support for imposing licensing and registration requirements on long guns. Accordingly, Brown concluded, "[t]he historical record is clear. From the colonial era through the twentieth century, states consistently imposed licensing and registration requirements on handguns and other dangerous weapons. Such regulations often required a public official to make determinations about a buyer's fitness to own and use a firearm. When long guns

began to pose safety threats, states enacted licensing regimes."

Because "the record evidence and historical data show that the Rifle Bill's licensing, registration, and moral character requirements fit comfortably within three hundred years of state firearm regulations," Brown granted the State's summary judgment motion, while denying plaintiffs' motion.

While plaintiffs also brought an as applied challenge against the County Defendants arguing that Suffolk County's Pistol License Bureau did not comply with the Rifle Bill, Brown granted the County Defendants summary judgment since such claims should have been brought in New York state court pursuant to Article 78 of the New York Civil Practice Law & Rules.

3. Action To Compel Arbitration Without Union Representation Under The Railway Labor Act Dismissed

In *Figuereo v. Int'l Bhd of Teamsters, Teamsters Local Union No. 210*, 25 CV 391 (EDNY, Dec. 10, 2025), Judge Morrsion dismissed a complaint by a discharged employee, proceeding without union participation, seeking to compel arbitration under the Railway Labor Act (RLA), 45 U.S.C. §151 et seq.

United Airlines terminated Frederick Figuereo's employment in June 2024. Figuereo's union initially represented him in a grievance under the Collective Bargaining Agreement with United, but ultimately advised that his grievance was unlikely to succeed and that it would not pursue it any further. The union, its affiliate and United all failed to act on Figuereo's request that they process his grievance so that he could pursue it without union representation. Figuereo sued all three, seeking 1) a declaration that §184 of the RLA grants him the right, and 2) an order compelling arbitration.

Defendants moved to dismiss, arguing that the RLA affords no right to arbitrate without union representation. After noting that "neither the Supreme Court nor the Second Circuit: had decided the issue," Morrison concluded that "defendants' interpretation of the RLA is likely the correct one" and granted their motion to dismiss.

While *Elgin, J. & E. Ry. v. Burley*, 325 U.S. 711, 723 (1945) (*Elgin I*), adhered to on reh'g, 327 U.S. 661 (1946), created an individual right for employees in the railroad industry to pursue grievances individually, RLA "Section 153 (First)(j), the provision at the core of *Elgin I's* reasoning, is explicitly *not* applicable to airlines." Slip op. 11 (emphasis in opinion). After reviewing district and appellate court decisions from other Circuits reaching divergent answers on the question, Morrison opined that "there are certainly plausible arguments to be made on both sides" before holding that "interpreting the RLA to confer an individual right to arbitrate upon airline industry employees would take *Elgin I* beyond its statutory foundations..."

Because the Collective Bargaining Agreement also "provides no individual right to pursue employees' grievances", Figuereo's "remedy is to bring a claim asserting a breach of the duty of fair representation ('DFR')" against his union. *Quoting Vaca v. Sipes,* 386 U.S. 171, 196 (1967) ("The Supreme Court has expressly recognized that 'an order compelling arbitration should be viewed as one of the available remedies when a breach of the union's duty is proved.'"). Dismissal was therefore warranted: "Figuereo brings no DFR claim. He proceeds solely on the theory that he possesses an independent statutory right to arbitrate under the RLA. Because, as discussed *supra*, no such right exists under the RLA provisions applicable to air carriers, his claim cannot proceed."

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