

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PABLO AGUILAR,

Petitioner,

v.

KEVIN RAYCRAFT, KRISTI NOEM,
and PAM BONDI,

Respondents.

Case No. 25-13497

Honorable Laurie J. Michelson

ORDER TO SHOW CAUSE

On November 3, 2025, Pablo Aguilar filed a petition for a writ of habeas corpus seeking “a prompt individual bond hearing under 8 USC §1226(a) or, alternatively, his release from custody.” (ECF No. 1, PageID.1.) On November 21, 2025, Aguilar was “granted parole until November 21, 2026” (ECF No. 6-3), and on December 1, 2025, ICE placed Aguilar under electronic monitoring and travel restrictions (ECF No. 9, PageID.83 (“ICE agents fitted [Aguilar] with a GPS ankle monitor and orally informed him that he may not travel beyond the states of Illinois, Indiana, and Wisconsin” (emphasis omitted)); *see also* ECF No. 8 (order directing Aguilar to docket a status report describing what transpired at his December 1, 2025, meeting at ICE’s Chicago field office)).

Aguilar contends that, although he is not currently physically confined by ICE, the parole restrictions imposed by ICE amount to “continuing custody.” (ECF No. 9, PageID.84; *see id.* at PageID.83–84 & n.1 (citing *Cortes v. Olsen*, No. 25-6293, 2025

WL 3063636, at *3–4 (N.D. Ill. Nov. 3, 2025) (“The respondents do not dispute that Galvis Cortes remains in custody via electronic monitoring. Because Galvis Cortes remains in custody, her petition, in which she seeks a bond hearing, is not moot.” *Id.* at *4.)). And he says his release status remains tenuous, given the government’s position that his removal proceedings are governed by 8 U.S.C. § 1225(b) rather than § 1226(a) (*see* ECF No. 7, PageID.76 (“[I]t is reasonably inferred that the parole was issued to the Petitioner in the belief that he is subject to removal under §1225(b). If so, then DHS/ICE may . . . *re-detain* Petitioner at its discretion”); *id.* at PageID.79 (“Petitioner is capable of being re-detained by ICE, so long as DHS/ICE’s original assertion . . . remains unreviewed, namely, that Petitioner is paroled as an ‘arriving alien,’ and that the parole that may thus be discretionarily revoked at any time and Petitioner returned to confinement.”)) and given that ICE has not followed standard procedures in releasing him (*see* ECF No. 9, PageID.84–85 (explaining that when a detainee in immigration proceedings is released, a formal order of release on recognizance or order of supervision is generally issued, outlining in writing the individual’s specific travel restrictions and terms of supervision, and explaining that Aguilar, in contrast, has not been given any such order or any written instructions on his travel restrictions, obligations, or “what constitutes an infraction of [his release] conditions”)).

For those reasons, Aguilar argues that his release from ICE confinement does not moot his habeas petition. (*See generally* ECF Nos. 7, 9.) He further notes that he “offered to voluntarily dismiss the case without costs and fees if the Attorney General

would stipulate that Petitioner was conditionally paroled as provided by 8 USC §1226(a)” (*id.* at PageID.85)—such that he would be entitled to a discretionary bond determination hearing (*see* ECF No. 7, PageID.76–77)—but that Respondents would not so stipulate (ECF No. 9, PageID.85).

The Court thus directs the parties to show cause in writing, by December 5, 2025, why the Court should not find that Aguilar, by being subject to electronic monitoring and travel restrictions (but not detention), is conditionally paroled as provided by 8 U.S.C. § 1226(a), such that his habeas petition is now moot.

SO ORDERED.

Dated: December 3, 2025

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE