

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

ELIO CALDERON AGUILAR,

Petitioner,

Case No.

vs.

Hon.

ANGELA DUNBAR, Warden, North Lake Processing Center,
in her official capacity,

ROBERT LYNCH, Field Office Director,
ICE Enforcement and Removal Operations Detroit,
in his official capacity,

KRISTI NOEM, Secretary of the Department of Homeland Security,

PAMELA BONDI, Attorney General of the United States,

Respondents.

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**AMENDED PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. §
2241**

Petitioner, by and through undersigned counsel, respectfully petitions this
Court for a writ of habeas corpus and states as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States, and this petition challenges the legality of that custody.

2. Venue is proper in the Eastern District of Michigan pursuant to 28 U.S.C. § 1391(e) because Petitioner is detained within this District at North Lake Processing Center, 1805 W 32nd Street, Baldwin, MI 49304.

II. PARTIES

3. Petitioner, Elio Calderon Aguilar, is a native and citizen of Honduras currently detained by Immigration and Customs Enforcement (ICE) at North Lake Processing Center.

4. Respondent, Angela Dunbar, is the Warden/Facility Director at North Lake Processing Center and has immediate custody over Petitioner. She is sued in her official capacity.

5. Respondent, Robert Lynch, is the Field Office Director of ICE Enforcement and Removal Operations, Detroit, and exercises legal authority over Petitioner's detention. He is sued in his official capacity.

6. Respondent Kristi Noem is the Secretary of the Department of Homeland Security and has legal authority over Petitioner's detention.

7. Respondent Pamela Bondi is the Attorney General of the United States and is the ultimate legal authority over immigration detention and removal

proceedings.

III. FACTUAL BACKGROUND

8. Petitioner was ordered removed, in absentia, on April 2, 2003.
9. Petitioner was taken into custody by ICE on August 13, 2025, and remains in custody.
10. To date, Respondents have not issued a Notice to Appear.
11. To date, Respondents have not sought to reinstate the 2003 removal order.
12. Despite the above, Respondents continue to hold Petitioner in custody without lawful process or authority.
13. In addition, because Respondent has failed to issue a Notice to Appear or seek to reinstate the 2003 removal order, Petitioner has not been afforded a custody redetermination hearing before an Immigration Judge.
14. In fact, due to Respondents' failure to act, the Immigration Court in Detroit has no jurisdiction or authority to hold a custody redetermination hearing.
15. Petitioner has significant ties to the community, including being married to a U.S. citizen spouse, and residing in Dearborn, Michigan since 2014, and poses no flight risk or danger to the community.
16. Except for a DUI in 1998 or 1999 (for which Petitioner paid court-ordered penalties and completed probation), Petitioner has no criminal record.
17. Petitioner's ongoing detention is arbitrary, prolonged, and violates the

Constitution and laws of the United States.

18. Petitioner's ongoing detention is a violation of the Fifth Amendment to the United States Constitution.

Count I - Detention Without Statutory Authority

19. The Immigration and Nationality Act authorizes detention only in limited circumstances (*INA 236, 241; 8 USC 1226, 1231*). Where no reinstated order and no pending removal proceedings exist, ICE lacks authority to hold Petitioner.

Count II - Indefinite Detention in Violation of *Zadvydas v Davis*

20. Even if Respondents rely on the 2003 Order, detention post-order is limited and removal is not reasonably foreseeable because Respondents have not reinstated the 2003 Order or issued an NTA and have taken no steps to effect removal.

Count III - Violation of Due Process (Fifth Amendment)

21. The Immigration and Nationality Act authorizes detention only in limited circumstances.

22. Courts in this District have repeatedly held that prolonged detention without a bond hearing is unconstitutional. See, e.g., *Rosales-Garcia v. Holland*, 322 F.3d 386, 414 (6th Cir. 2003) (en banc) (indefinite detention without procedural protections violates due process); *Hamama v. Adducci*, 285 F. Supp. 3d 997, 1011 (E.D. Mich. 2018) (ordering bond hearings for class members held under reinstated orders).

23. Petitioner is being deprived of liberty without a constitutionally adequate process, as ICE had not provided any opportunity to contest custody before an Immigration Judge.

IV. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue a writ of habeas corpus directing Respondents to release Petitioner from ICE custody immediately.
- B. In the alternative, order Respondents to provide Petitioner with an individualized bond hearing before an Immigration Judge immediately consistent with due process requirements;
- C. Retain jurisdiction to ensure compliance with this Court's order;
- D. Award reasonable attorney fees and costs under the Equal Access to Justice Act, 28 USC 2412, and,
- E. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/Francyne Stacey
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Attorney for Petitioner