

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARYUNIERTH SAMDLHERL GIL PIRONA,

Petitioner,

v.

KRISTI NOEM, Secretary, U.S. Department of Homeland Security; ROBERT LYNCH, Field Office Director, Detroit Field Office, Immigration and Customs Enforcement; KEVIN RAYCRAFT, Detroit Enforcement and Removal Operations, Immigration and Customs Enforcement,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
EMERGENCY INJUNCTIVE
RELIEF**

Petitioner, ARYUNIERTH SAMDLHERL GIL PIRONA (Petitioner), by and through his undersigned counsel, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, and seeks Emergency Injunctive Relief pursuant to Fed. R. Civ. P. 65(b) and 28 U.S.C. § 2243. Since June 13, 2025, Petitioner has been unlawfully detained by the U.S. Department of Homeland Security (DHS) and its sub-agency, U.S. Immigration and Customs Enforcement (ICE), without a lawful basis or individualized determination of flight risk or danger.

INTRODUCTION

1. This case concerns the illegal arrest and detention of Petitioner Aryunieth Samdlherl Gil Pirona, an asylum seeker and citizen of Venezuela. Petitioner has done everything the government has asked him to: he followed the process the United States established for people seeking asylum to present at the border on a certain date; he appeared on that date, at which point the government decided to release him while he applied for asylum; he lawfully entered the United States where he reunited with family; he applied for

immigration relief within the timeframe allotted by law; and, critically, he attended his immigration court proceedings as directed.

2. Petitioner was taken into immigration custody on or about June 13, 2025, when he was arrested during an immigration raid in Maine without a judicial warrant and transferred to the North Lake Processing Center.
3. Petitioner is currently in the physical custody of Respondents at North Lake Processing Center located in Baldwin, Michigan, which falls under the purview of the Detroit Field Office of Immigration and Customs Enforcement (ICE), which has responsibility for immigration detention centers in Michigan and Ohio.
4. Petitioner's arrest and detention are wholly unjustified and unrelated to any individualized consideration of his circumstances. In the time he has lived in the United States, Petitioner has done all he can to integrate into his community and follow every lawful path toward regularizing his status, from timely filing for asylum to complying with all procedural requirements and deadlines set by the government.
5. Petitioner's arrest and ongoing detention are causing him immense harm. Prior to his June 13, 2025 arrest, Petitioner had never been criminally arrested or placed in detention. He has been separated from his family and support network and fears that he will be sent back to Venezuela—from where he seeks asylum.
6. Every day Petitioner spends in detention subjects him to further irreparable harm. Immediate relief is necessary to ensure that Petitioner is no longer subjected to continued violations of his substantive and procedural rights.
7. Petitioner respectfully asks this Court to hold that his arrest was unlawful, to hold that his continued detention is unlawful, and to order his release from custody. Petitioner also

respectfully asks that this Court order Respondents not to transfer him outside of this District for the duration of this proceeding.

JURISDICTION AND VENUE

8. Petitioner Aryuniether Samdherl Gil Pirona is in the physical custody of Respondents. Petitioner is detained at the North Lake Processing Center located in Baldwin, Michigan.
9. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
11. Venue is proper in the Western District of Michigan, as Petitioner is detained at the North Lake Processing Center in Baldwin, Michigan, within this District. *See* 28 U.S.C. § 1391(b)(2), (e)(1).
12. Administrative exhaustion is unnecessary because it would be futile.

REQUIREMENTS OF 28 U.S.C. § 2243

13. The Court must grant the petition for a writ of habeas corpus or order Respondents to show cause “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
14. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who

entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

15. Petitioner Aryunieth Samdherl Gil Pirona is a citizen of Venezuela who has resided in the United States since March 20, 2024. He has been in immigration detention since June 13, 2025, and is currently detained at the North Lake Processing Center. After taking custody of Petitioner, ICE did not set bond.
16. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (“INA”) and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.
17. Respondent Robert Lynch is the Field Office Director for ICE’s Detroit Field Office and is responsible for Petitioner’s detention. He is sued in his official capacity.
18. Respondent Kevin Raycraft is the Director of the Detroit Field Office of ICE’s Enforcement and Removal Operations division. As such, Director Raycraft is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

FACTUAL BACKGROUND

19. In 2024, Petitioner Aryunieth Samdherl Gil Pirona came to the United States to seek safety. Following a lawful process that was in place in 2024, Petitioner applied to enter the United States through the CBPOne application and received an appointment to come to the United States to present his application for asylum.

20. On March 20, 2024, Petitioner presented at the border for his pre-scheduled CBPOne appointment and told the immigration official he was seeking asylum in the United States. Petitioner was referred to secondary inspection at the border, patted down, fingerprinted, photographed, questioned regarding identity and criminal history, and held for approximately nine (9) hours. The border official decided to permit him entry and that he could pursue his claims out of detention. Petitioner was served a Notice to Appear (NTA) requiring that he appear before the Executive Office of Immigration Review (Office of the Immigration Judge). Exhibit 1, Notice to Appear. That same day, he was granted a two-year discretionary humanitarian parole, from March 2024 to March 2026. Exhibit 2, I-94.
21. Petitioner has no criminal record. Prior to June 13, 2025, Petitioner had never been in a detention or carceral setting and, upon information and belief, has never been arrested in the United States and/or in Venezuela.
22. Petitioner's first master hearing was held on September 16, 2024, in the Chicago Immigration Court. On February 10, 2025, he timely filed Form I-589 with the Immigration Court.
23. On March 25, 2025, the Department of Homeland Security published a notice in the Federal Register that it was terminating the categorical parole programs for individuals such as Petitioner, who sought humanitarian parole after fleeing Venezuela. 90 Fed. Reg. 13,611 (March 25, Case 1:25-cv-00493 Document 1 Filed 06/06/25 Page 10 of 18 11 2025). In this notice, the federal government asserted that the INA confers upon the Secretary of Homeland Security sole discretion to terminate an individual's parole. *Id.*
24. On June 13, 2025, ICE officers detained Petitioner outside his workplace. He was not presented with a warrant nor informed of any pending criminal matter.

25. Petitioner's two-year discretionary humanitarian parole has not been terminated, and he has never received notice to the contrary.

26. Petitioner is scheduled for an Individual Hearing on January 8, 2026, before the Detroit Immigration Court. He is represented by attorney Alexandra Reed-Lopez in the Executive Office for Immigration Review (EOIR) proceedings.

LEGAL FRAMEWORK

27. Section 240 removal proceedings provide noncitizens with an opportunity to be heard in full immigration court hearings before an Immigration Judge. 8 U.S.C. § 1229a sets out the procedures and rights afforded to noncitizens in Section 240 removal proceedings. These include: "the privilege of being represented . . . by counsel of the alien's choosing who is authorized to practice in such proceedings" and "a reasonable opportunity to examine the evidence against the alien, to present evidence on the alien's own behalf, and to cross-examine witnesses presented by the Government." 8 U.S.C. § 1229a(b)(4).

28. Section 1226(a) applies by default to all persons "pending a decision on whether the alien is to be removed from the United States." These removal hearings are held under § 1229a to "decid[e] the inadmissibility or deportability of an alien."

29. Under 8 C.F.R. § 1003.38(a), decisions made by IJs "may be appealed to the Board of Immigration Appeals" ("BIA"). And under 8 U.S.C. § 1252(b)(2), final orders of removal may be appealed to the United States Court of Appeals for the judicial circuit in which the final order was entered.

30. When Petitioner Aryunieth Samdlherl Gil Pirona was detained in an immigration raid on June 13, 2025, his asylum case was progressing and continues to progress through Section 240 proceedings.

31. The statutorily guaranteed procedure and rights in Section 240 proceedings are significantly more expansive than those available to noncitizens designated for expedited removal under 8 U.S.C. § 1225.
32. An immigration officer may process a noncitizen for expedited removal upon issuing a determination that such noncitizen “is arriving in the United States or is described in clause (iii)” and is inadmissible under 8 U.S.C. §§ 1182(a)(6)(C) or 1182(a)(7). *See* 8 U.S.C. § 1225(b)(1)(A)(i).
33. A noncitizen who “ha[s] been admitted or paroled following inspection by an immigration officer at a designated port-of-entry” is excluded from expedited removal under 8 U.S.C. § 1225(b)(1)(A)(i).
34. Unlike Section 240 proceedings, expedited removal is a process that begins—and often concludes—outside of immigration court. Noncitizens subjected to expedited removal are ordered removed by an immigration officer “without further hearing or review.” *Id.*
35. The exception to this rule is that if a noncitizen covered by section 1225(b)(1) “‘indicates either an intention to apply for asylum . . . or a fear of persecution,’ then that alien is referred for an asylum interview.” *Id.* (quoting 8 U.S.C. § 1225(b)(1)(A)(ii)). If the asylum officer determines that an alien does not have a credible fear of persecution, the officer shall order the alien removed from the United States without further hearing or review. 8 U.S.C. § 1225(b)(1)(B)(iii)(I). Upon a noncitizen’s request, an immigration judge shall expeditiously review a determination “that the alien does not have a credible fear of persecution.” 8 U.S.C. § 1225(b)(1)(B)(iii)(III).
36. If a noncitizen passes a credible fear interview, they are permitted to apply for asylum through Section 240 proceedings. *See* 8 U.S.C. § 1225(b)(1)(B); 8 C.F.R. § 208.30(f).

37. The INA provides for limited review of an application of expedited removal. It provides no mechanism for a parolee to challenge the application of expedited removal to them on the basis they had previously been paroled.
38. “[A]pplicants for admission may be temporarily released on parole ‘for urgent humanitarian reasons or significant public benefit.’” *Jennings*, 583 U.S. at 288 (quoting 8 U.S.C. § 1182(d)(5)(A)). “Such parole, however, ‘shall not be regarded as an admission of the alien.’” *Id.* (quoting 8 U.S.C. § 1182(d)(5)(A)).
39. DHS can terminate parole “upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of [certain specified DHS] officials . . . , neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States.” 8 C.F.R. § 212.5(e)(2)(i). DHS must provide “written notice to the alien and he or she shall be restored to the status that he or she had at the time of parole.” *Id.*

CAUSES OF ACTION

FIRST CLAIM

Violation of the Due Process Clause of the Fifth Amendment to the United States Constitution (Substantive Due Process); 5 U.S.C. §§. 702, 706

40. Petitioner repeats and realleges the allegations contained in all preceding paragraphs of this Petition-Complaint as if fully set forth herein.
41. Petitioner is not a flight risk nor is he a danger to the community. Respondents’ detention of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner is being detained in violation of his Constitutional right to Due Process under the Fifth Amendment.

SECOND CLAIM

Violation of the Due Process Clause of the Fifth Amendment to the United States Constitution (Procedural Due Process); 5 U.S.C. §§ 702, 706

42. Petitioner repeats and realleges the allegations contained in all preceding paragraphs of this Petition-Complaint as if fully set forth herein.
43. The Due Process Clause of the Fifth Amendment protects all “person[s]” from deprivation of liberty “without due process of law.” U.S. CONST AMEND. V.
44. The government made the reasoned decision to parole Petitioner from detention while he pursued his asylum claim in the United States. The Due Process Clause entitles Petitioner to meaningful process assessing whether his detention is justified. The arrest and detention of Petitioner without an opportunity for Petitioner to contest his detention in front of a neutral adjudicator after he had been living in the United States for over a year provide insufficient process and violate the Due Process Clause of the Fifth Amendment of the Constitution.

THIRD CLAIM

Violation of the Fourth Amendment to the United States Constitution (Unlawful Arrest); 5 U.S.C. §§ 702, 706

45. Petitioner repeats and realleges the allegations contained in all preceding paragraphs of this Petition-Complaint as if fully set forth herein.
46. Petitioner was detained by federal immigration officials as removable when he entered the United States. The government exercised its discretion under the Immigration and Nationality Act to release, or parole, him while he litigated that charge in immigration court. At the time of Petitioner’s arrest, he had been living at liberty pursuant to a parole determination by federal immigration authorities.

47. The government lacked reliable information of changed or exigent circumstances that would justify his arrest after federal immigration authorities had already decided he could pursue his claims for immigration relief at liberty. His re-arrest based solely on the fact that he is subject to removal proceedings is unreasonable and violates the Fourth Amendment.

FOURTH CLAIM

Violation of the Immigration and Nationality Act

48. Petitioner repeats and realleges the allegations contained in all preceding paragraphs of this Petition-Complaint as if fully set forth herein.

49. Respondents are unlawfully detaining Petitioner without bond pursuant to the mandatory detention provision at 8 U.S.C. § 1225(b)(2).

50. Section 1225(b)(2) does not apply to Petitioner, who previously entered the country and has been residing in the United States with ongoing Section 240 proceedings prior to being detained by Respondents in a raid.

51. Instead, Petitioner should be subject to the detention provisions of § 1226(a) and is therefore entitled to a custody determination by ICE, and if custody is continued, to a custody redetermination (i.e., a bond hearing) by an immigration judge.

52. Respondents' application of 8 U.S.C. § 1225(b)(2) to Petitioner results in Petitioner's unlawful detention without the opportunity for a bond hearing and violates the INA.

Entitlement to Temporary Restraining Order and Preliminary Injunctive Relief

53. The Court may grant interim relief under Fed. R. Civ. P. 65(b) and 28 U.S.C. § 2243 to prevent irreparable harm pending resolution of the habeas petition.

54. Courts apply the four-factor test from *Winter v. NRDC*, 555 U.S. 7 (2008), as reaffirmed in *Nken v. Holder*, 556 U.S. 418 (2009): likelihood of success on the merits; irreparable harm absent relief; balance of equities; and public interest.
55. Likelihood of Success: Petitioner is likely to prevail because his detention is contrary to statute and the Constitution.
56. Irreparable Harm: Every day of unlawful detention constitutes irreparable injury. *Preiser v. Rodriguez*, 411 U.S. 475 (1973).
57. Balance of Equities: Releasing or providing a bond hearing for a non-dangerous resident who has been living in the United States for over a year imposes no harm on the government and prevents the ongoing constitutional violation.
58. Public Interest: Upholding constitutional safeguards and the lawful limits of detention serves the public interest. *Elrod v. Burns*, 427 U.S. 347, 373 (1976).
59. Under these factors, emergency injunctive relief is both warranted and necessary.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Enjoin Respondents from transferring Petitioner from the jurisdiction of this District pending these proceedings;
- c. Issue a writ of habeas corpus requiring that Respondents release Petitioner from custody;
- d. In the alternative, order Respondents to provide Petitioner an individualized hearing before a neutral Immigration Judge where the government has the burden of showing changed circumstances with respect to Petitioner's risk of flight or any alleged danger within seven (7) days;

- e. Enjoin Respondents from again seeking Petitioner's detention absent a changed circumstances hearing;
- f. Declare that Petitioner's arrest and detention are unlawful and violate the Due Process Clause of the Fifth Amendment, the Fourth Amendment, and the Immigration and Nationality Act;
- g. Award reasonable attorneys' fees and costs for this action; and
- h. Grant any other and further relief that this Court deems just and proper.

Date: November 25, 2025

Respectfully submitted,

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