

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

TIBURCIO RAMOS HERNANDEZ,
Petitioner,

Case No.

v.

KRISTI NOEM, Secretary
U.S. Department of Homeland Security;
ROBERT LYNCH, Field Office Director,
Immigration and Customs Enforcement,
Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

Introduction

Petitioner Tiburcio Ramos Hernandez, by and through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus. Petitioner challenges his continued detention by Immigration and Customs Enforcement (ICE) because the U.S. government continues to erroneously interpret the INA to mandate the detention of noncitizens who entered the United States without inspection even if they have been residing here for many years.

Jurisdiction and Venue

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 2241, Petitioner is in custody under the authority of the United States, and his detention violates the Constitution, laws, or treaties of the United States.
2. Venue is proper in the Eastern District of Michigan under 28 U.S.C. § 1391(e) because Petitioner is currently detained within this district at the St. Clair County Detention Center in Port Huron, Michigan.

Parties

3. Petitioner is a Honduran national who has been in ICE detention since February 6, 2026.
4. Respondent Kristi Noem is the Secretary of the Department of Homeland Security.
5. Robert Lynch is the Field Office Director, Immigration and Customs Enforcement and is responsible for the custody and detention of Petitioner. Respondent is sued in his/her official capacity.

Factual Background

6. Petitioner is a native and citizen of Honduras.
7. He entered the United States without inspection in 2006.
8. Petitioner is a Qualifying Family Member of a U-Visa applicant. While the visa remains pending, USCIS has issued a “bona fide determination letter” which has allowed him to obtain an Employment Authorization Document (EAD). (Exhibit 1)
9. On January 31, 2026, Petitioner was stopped by Immigration and Customs Enforcement as he was travelling to work and taken into custody.
10. On February 2, Petitioner through legal counsel asked the Detroit Field Office of Immigration and Custom Enforcement to release him from custody. (Exhibit 2) That request has been ignored.
11. He has been incarcerated at the St. Clair County Jail in Port Huron, Michigan ever since. (Exhibit 3)

Legal Framework

12. Since 1996, U.S. Immigration Courts have been guided by the Illegal Immigration Reform and Responsibility Act (the “IIRIRA”) in determining the eligibility of non-citizens for release on bond from custody.
13. At that time the EOIR drafted regulations saying that “arriving” aliens were not eligible for release from custody on a bond following §1225(b) of the IIRIRA, while those who entered without inspection were subject to §1126(a) of the Act and could request release on bond.

14. On July 8, 2025, ICE, “in coordination with” the Department of Justice, changed this long-held interpretation of the statute and announced that all persons who entered the United States without inspection are subject to mandatory detention without a bond following §1225(b).
15. Since that decision, federal courts nationwide, including the Eastern District of Michigan, have instead held that §1226(a), not §1225(b) applies to noncitizens who are not apprehended upon arrival to the United States. *See Lopez-Campos v. Raycraft*, No. 2:25-cv-12486 (E.D. Mich. August 29, 2025).

Claims for Relief

COUNT 1– Violation of the INA

16. This Petitioner should be subject to the detention provisions of 8 U.S.C. §1226(a) of the INA.
17. By incarcerating Petitioner under §1225(b)(2), he has been wrongfully detained and should be immediately released or provided an opportunity for a custody redetermination hearing before an immigration judge.

COUNT 2–Violation of Due Process

18. The government may not deprive a person of life, liberty or property, even if it means “speeding up his immigration hearing.”
19. Petitioner has a fundamental interest in liberty and being free of official restraint.
20. The detention of Petitioner without an opportunity for a custody determination hearing violates Petitioner’s right to due process.

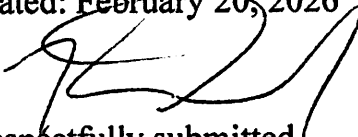
Prayer for Relief

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

- A. Assume jurisdiction over this matter;

- B. Issue a writ of habeas corpus requiring that Respondents release Petitioner immediately or within seven days should he not be afforded a bond hearing pursuant to 8 U.S.C. §1226(a).
- C. Enjoin Respondents from transferring Petitioner from the jurisdiction of this District pending these proceedings.
- D. Award Petitioner fees and costs under the Equal Access to Justice Act (“EAJA”), as amended 28 U.S.C. § 2412, and on any other basis justified under law; and

Dated: February 20, 2026


Respectfully submitted,

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