

United States District Court
Eastern District of Michigan

TIBURCIO RAMOS HERNANDEZ,

Petitioner,

Civil No. 26-10591

v.

Honorable Mark A. Goldsmith
Mag. Judge Patricia T. Morris

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

Respondents.

Notice of Withdrawal of Response

On February 20, 2026, petitioner sought a writ of habeas corpus and challenged his detention under 8 U.S.C. § 1225(b)(2) because it rendered him statutorily ineligible for release on bond during his administrative removal proceedings. (Pet., ECF No. 1). In response, respondents argued that his detention under 8 U.S.C. § 1225(b)(2) was proper based on the text of the statute. (*See Resp.*, ECF No. 4). After respondents filed their brief, the Sixth Circuit issued a precedential decision on this issue and held that noncitizens like petitioner are entitled to seek release on bond from an immigration judge under 8 U.S.C. § 1226. *See Lopez Campos v. Raycraft*, —F.4th—, 2026 WL 1283891 (6th Cir. May 11,

2026). The Sixth Circuit's decision is binding on respondents and the immigration courts in the Sixth Circuit. *See Matter of Anselmo*, 20 I. & N. Dec. 25, 31 (BIA 1989). Accordingly, respondents withdraw their response brief because it is inconsistent with the Sixth Circuit's recent decision.

Further, the Sixth Circuit's decision renders petitioner's claims in this case moot because there is no longer a dispute between the parties regarding whether petitioner is eligible to seek release on bond from an immigration judge under 8 U.S.C. § 1226. *See id.* Petitioner may obtain a bond hearing by requesting it from the immigration court and, if he makes such a request, the immigration court will promptly schedule a bond hearing and determine his eligibility for release under 8 U.S.C. § 1226. *See id.*; 8 C.F.R. § 1236.1(d)(1); EOIR Manual, Part II, 8.3(d). Accordingly, this case should be dismissed for lack of subject matter jurisdiction because it no longer presents an actionable Article III case or controversy. *See Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013) ("No matter how vehemently the parties continue to dispute the lawfulness of the conduct that precipitated the lawsuit, the case is moot if the dispute 'is no longer embedded in any actual controversy about the plaintiffs' particular legal rights.'").

Respectfully submitted,

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Dated: May 15, 2026

Certificate of Service

I hereby certify that on May 15, 2026, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/s/ Zak Toomey

Zak Toomey

Assistant U.S. Attorney