

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

Roberto Jaime Prado Orozco,

Petitioner,

v.

Troy Goodnough, Sheriff, Monroe
County Jail; **Kevin Raycraft**, Acting
Director, Detroit Field Office, U.S.
Immigration & Customs Enforcement,
Enforcement & Removal Operations;
Todd M. Lyons, Acting Director,
U.S. Immigration & Customs
Enforcement; **Kristi Noem**, Secretary,
U.S. Department of Homeland
Security; **Pamela Bondi**, U.S.
Attorney General; and **Daren K.
Margolin**, Director, Executive Office
for Immigration Review,

Respondents.

Case No.: 2:26-cv-10618

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

INTRODUCTION

1. Petitioner Roberto Jaime Prado Orozco is in the physical custody of Respondents at the Monroe County Sheriff's Office. *See* Exhibit 1, Monroe County Jail Inmate Search. He has been unlawfully detained for nine months

because the Department of Homeland Security (DHS) and Executive Office for Immigration Review (EOIR) have adopted a new, unlawful interpretation of the Immigration and Nationality Act's (INA) detention provisions.

2. Petitioner is charged with, *inter alia*, having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).
3. Based on this allegation in Petitioner's removal proceedings, DHS denied Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and, therefore, ineligible for release on bond.
4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges, holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under § 1225(b)(2)(A) and, therefore, ineligible for release on bond.

5. Petitioner's detention on this basis violates the plain language of the INA.

Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection.

6. Respondents' new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

7. The U.S. District Court for the Central District of California in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.) certified a nationwide Bond Eligible Class—one that includes Petitioner—and entered a declaratory judgment that the class members are detained under § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *See* 2025 U.S. Dist. LEXIS 233085 (C.D. Cal. Nov. 20, 2025); 2025 U.S. Dist. LEXIS 231977 (C.D. Cal. Nov. 25, 2025). The *Maldonado Bautista* court explicitly “declares Respondents’ interpretation [of 8 U.S.C. § 1225(b)(2)(A)] contrary to law” and “[a]s such, the interpretation in *Yajure Hurtado*, 29 I. & N. Dec. 216, which contradicts the

Court's reasoning is no longer controlling.” 2025 U.S. Dist. LEXIS 262265, at *35 (C.D. Cal. Dec. 18, 2025).

8. On February 18, 2026, the *Maldonado Bautista* court vacated *Yajure Hurtado*. See 2026 U.S. Dist. LEXIS 34057, at *30 (C.D. Cal. Feb. 18, 2026).
9. Petitioner is a member of the Bond Eligible Class in *Maldonado Bautista*, as he:
 - a. does not have lawful status in the United States and is currently detained at the Monroe County Jail. He was apprehended by immigration authorities on May 20, 2025;
 - b. entered the United States without inspection over 22 years ago and was not apprehended upon arrival; and
 - c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
10. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). See, e.g., *Mendes v. Hyde*, 2025 U.S. Dist. LEXIS 251341, at *6 (D.R.I. Dec. 5, 2025) (holding that petitioner was entitled to the same relief ordered by Judge Sykes in *Maldonado Baustista*); *Maclas v. Raycraft*, 2025 U.S. Dist. LEXIS 254271, at **6-7 (N.D. Ohio Dec. 9, 2025) (same); *Santuario v. Bondi*, 2025 U.S. Dist. LEXIS 254006, at *4 (D. Minn. Dec. 2, 2025) (same).

Nevertheless, Respondents continue to flagrantly defy the judgment in that case and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

11. Immigration judges have informed class members in bond hearings that they have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead immigration judges remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
12. Therefore, Respondents are detaining Petitioner in violation of the INA, the Due Process Clause of the Fifth Amendment, and the declaratory judgment issued in *Maldonado Bautista*.
13. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released. Alternatively, Petitioner seeks a writ of habeas corpus ordering Respondents to provide him with a constitutionally adequate individualized custody determination, within seven days, at which the Government bears the burden to justify continued detention and an immigration judge considers less restrictive alternatives to detention.

JURISDICTION

14. This action arises under the U.S. Constitution and the INA, 8 U.S.C. § 1101

et seq.

15. 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

U.S. Constitution (the Suspension Clause).

16. 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.

VENUE

17. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.

484, 493-500 (1973), venue lies in the U.S. District Court for the Eastern

District of Michigan, the judicial district in which Petitioner's immediate

physical custodian is located.

18. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because

Respondents are employees, officers, and agencies of the United States, and

because a substantial part of the events or omissions giving rise to this claim

occurred in this district.

REQUIREMENTS OF 28 U.S.C. § 2243

19. The Court must grant the petition for writ of habeas corpus or order

Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the court must “summarily hear and determine the facts, and dispose of the matter as law and justice require.” *Id.*

20. 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

21. Petitioner is a native and citizen of Mexico. He entered the United States

without inspection in 2003 and, since then, he has resided in the country. He has been in immigration detention since May 20, 2025—for nine months.

ICE did not set bond and Petitioner is unable to obtain review of his custody by an immigration judge (IJ), pursuant to the Board’s decision in *Matter of*

Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025). Petitioner is in custody and under the direct control of Respondents and their agents.

22. Respondent Troy Goodnough is the Sheriff of the Monroe County Jail, where Petitioner is detained. Respondent Goodnough has immediate physical custody of Petitioner and he is sued in his official capacity.

23. Respondent Kevin Raycraft is the Acting Director of the Detroit Field Office of ICE's Enforcement and Removal Operations division. As such, he is a legal custodian of Petitioner, is responsible for Petitioner's detention, and has authority to release him. He is sued in his official capacity.

24. Respondent Todd M. Lyons is the Acting Director of ICE, which is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens. Respondent Lyons has control over the actions of Respondent Raycraft and ICE in general. Respondent Lyons is a legal custodian of Petitioner and is sued in his official capacity.

25. Respondent Kristi Noem is the DHS Secretary. She is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner and is sued in her official capacity.

26. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice (DOJ), of which EOIR and the immigration court system it operates is a component agency. Respondent Bondi is a legal custodian of Petitioner and is sued in her official capacity.

27. Respondent Daren K. Margolin is the Director of EOIR, which is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings. Respondent Margolin is sued in his official capacity.

LEGAL FRAMEWORK

28. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

29. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

30. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

31. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).
32. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3 (2025).
33. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997); *see also* 8 C.F.R. §§ 236.1, 1236.1, 1003.19.
34. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of

prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

35. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

36. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection shall now be subject to mandatory detention under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

37. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

38. Since Respondents adopted their new policies, the overwhelming majority of federal courts—including courts in this district—have rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE. On February 18, 2026, the *Maldonado Bautista* court vacated *Yajure Hurtado*. See 2026 U.S. Dist. LEXIS 34057, at *30.

39. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it defies the INA. The plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner. See, e.g., *Yendez v. Bondi*, 2026 U.S. Dist. LEXIS 29520, at *7 (W.D. Mich. Feb. 12, 2026) (citing cases).

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

41. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). “When Congress creates ‘specific exceptions’ to a statute’s applicability, it

‘proves’ that absent those exceptions, the statute generally applies.”

Rodriguez Vazquez v. Bostock, 779 F. Supp. 3d 1239, 1257 (W.D. Wash. 2025) (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *7 (D. Mass. July 7, 2025).

42. Section 1226 leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

43. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

44. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

45. Moreover, even while the Constitution permits mandatory detention for certain categories of noncitizens in removal proceedings, such detention must comport with due process. *Demore v. Kim*, 538 U.S. 510, 523 (2003). Confinement may become punitive when it is “excessively prolonged.” *United States v. Salerno*, 481 U.S. 739, 747 n.4 (1987). Thus, as a detained person’s time in custody increases, so too does their liberty interest. *Zadvydas v. Davis*, 533 U.S. 678, 699-700 (2001). “[F]or detention to remain reasonable,” greater justification is needed as the period of confinement grows. *Id.* at 701.

FACTS

46. Petitioner is a 46-year-old Mexican national who entered the United States without inspection in 2003. Petitioner resides in Michigan, where he owns real estate and has lived and worked for over two decades.
47. Petitioner is married and is the father of one U.S. citizen child, establishing deep familial roots in this country.
48. Petitioner has maintained steady employment in the manufacturing industry, demonstrating his strong work ethic, commitment to supporting his family, and contribution to his community. Letters of support describe him as kind, hardworking, inspiring and a responsible individual who has consistently supported his family and contributed positively to his community.

49. Petitioner has no history of violence or conduct suggesting risk to public safety. He also has no criminal convictions, as his misdemeanor conviction for marijuana possession was vacated in October 2025. *See* Exhibit 2, Consent Order.

50. On May 20, 2025, immigration authorities detained Petitioner and subsequently transported him to the Monroe County Jail. His detention has been continuous since that date, separating him from his wife and son and disrupting his ability to provide financial and emotional support for his family.

51. On May 20, 2025, ICE issued Petitioner a Notice to Appear, placing him in removal proceedings before the Detroit Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection. *See* Exhibit 3, Notice to Appear.

52. Following Petitioner's arrest and detention, ICE issued a custody determination to continue his detention without an opportunity to post bond or be released on other conditions. *See* Exhibit 4, Custody Determination.

53. Petitioner requested a custody redetermination before an IJ. On July 9, 2025, the IJ denied bond pursuant to *Matter of Yajure Hurtado*, holding that he lacked jurisdiction to consider Petitioner's bond request. *See* Exhibit 5, IJ

Bond Order. The IJ's order also notes "Drug conviction," which presumably refers to Petitioner's misdemeanor conviction that has since been vacated.

See Exhibit 2 & 5.

54. On September 17, 2025, an IJ ordered Petitioner removed. Petitioner timely appealed the order to the BIA, where the appeal remains pending. There are "delays inherent" in the BIA's administrative process. *Reyes v. Raycraft*, 2025 U.S. Dist. LEXIS 175767, at *9 (E.D. Mich. Sept. 9, 2025) (citation omitted).

55. On December 4, 2025, U.S. Citizenship and Immigration Services notified Petitioner that it made a positive prima facie determination on his Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant that he filed under the self-petitioning provisions of the Violence Against Women Act. *See Exhibit 6, Prima Facie Determination.*

56. Continued detention of Petitioner is also inappropriate here due to his serious and worsening medical condition, which the detention facility is unable to properly treat. Petitioner underwent hip replacement surgery in 2018. While in detention, the facility provided him with footwear with poor traction and, as a result, he has fallen twice. As treatment, the facility has provided Petitioner only with pain medication—no therapy, rehabilitation, or

other treatment. Consequently, Petitioner's condition has worsened and he faces the risk of additional falls, mishaps, and injuries while detained.

57. As a result, Petitioner has been unlawfully detained for nine months—away from his family, home, employment, and community.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

58. Petitioner incorporates by reference the allegations in the preceding paragraphs.

59. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

60. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

COUNT II

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

61. Petitioner incorporates by reference the allegations in the preceding paragraphs.
62. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
63. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.
64. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”
65. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).
66. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

COUNT III

Violation of the Bond Regulations

67. Petitioner incorporates by reference the allegations in the preceding paragraphs.

68. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of Aliens,” the agencies explained that “[d]espite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323. The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before immigration judges under 8 U.S.C. § 1226 and its implementing regulations.

69. Nonetheless, pursuant to *Matter of Yajure Hurtado*, Respondents have a policy and practice of applying § 1225(b)(2) to individuals like Petitioner.

70. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT IV

Violation of Fifth Amendment Procedural Due Process

71. Petitioner incorporates by reference the allegations in the preceding paragraphs.
72. The procedural due process guarantee of the Fifth Amendment requires that individuals be provided notice and an opportunity to be heard before being deprived of liberty or property interests. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976).
73. Under *Mathews*, Respondents' decision to arrest Petitioner without any notice or an opportunity to respond, and continue to detain him without any opportunity to meaningfully challenge that detention, clearly violates his procedural due process rights.
74. One of the first inquiries in any case of violation of procedural due process is whether the petitioner has a protected property or liberty interest and, if so, the extent or scope of that interest. *Bd. of Regents of State Colls. v. Roth*, 408 U.S. 564, 569-70 (1972). Reliance on government policies and assurances may give rise to protected expectations under the Due Process Clause. *Perry v. Sindermann*, 408 U.S. 593, 601-03 (1972).
75. First, Petitioner has a legally protectable liberty interest in freedom from detention. The interest in being free from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529

(2004); *see also Zadvydas*, 533 U.S. at 690 (“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the [Due Process] Clause protects.”).

76. Additionally, Petitioner reasonably relied on government policies—in place for decades—that noncitizens who entered without inspection or admission would be detained, if at all, under § 1226(a) and entitled to a bond hearing. This reliance has created a legally protectable liberty interest.

77. Second, the risk of erroneously depriving Petitioner of this liberty interest is severe, as he is separated from his family, community, and work indefinitely, and has been thrown into sudden instability. He has been afforded absolutely no process, let alone constitutionally sufficient process, prior to or since this deprivation, making the value of additional process high.

78. Third, the Government’s interest in detaining Petitioner is minimal. He does not present any flight risk or danger. *See Soto-Medina v. Lynch*, 2026 U.S. Dist. LEXIS 11113, at *22 (W.D. Mich. Jan. 21, 2026) (“the *Mathews* factors establish that due process requires the government to bear the burden of demonstrating that Petitioner is a flight risk or danger to the community to deny bond”). His detention is thus not rationally related to any purpose. And, additional process would impose little to no burden on the Government,

especially in light of the fact that, until last year, the Government had provided detained noncitizens like Petitioner, with bond proceedings. Furthermore, the “fiscal and administrative burdens” of providing Petitioner with a bond hearing are minimal, particularly when weighed against the significant liberty interests at stake. *Mathews*, 424 U.S. at 334-35.

79. Accordingly, Petitioner’s unjustified and prolonged detention without an opportunity to be heard violates his procedural due process rights under the Fifth Amendment of the U.S. Constitution. *Yendez*, 2026 U.S. Dist. LEXIS 29520, at *8 (citing cases).

COUNT V

Violation of Fifth Amendment Substantive Due Process: Unlawful Detention

80. Petitioner incorporates by reference the allegations in the preceding paragraphs.

81. The Supreme Court has long recognized that noncitizens physically present in the United States are entitled to due process protections, regardless of their immigration status. *Zadvydas*, 533 U.S. at 693; *Mathews v. Diaz*, 426 U.S. 67, 77 (1976). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the [Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

82. To comply with the Due Process Clause, detention must always bear “some reasonable relation to the purpose for which the individual was committed.”

Jackson v. Indiana, 406 U.S. 715, 738 (1972); *see also Brown v. Taylor*, 911 F.3d 235, 243 (5th Cir. 2018).

83. The only legitimate purpose, consistent with due process, for federal civil immigration detention is to prevent flight risk and ensure the detained person’s attendance for legal hearings adjudicating their status or potential removal, or to otherwise ensure the safety of the community. *Zadvydas*, 533 U.S. at 690-91.

84. Here, Petitioner’s detention is not reasonably related to its purpose. There is no reason to believe that Petitioner would not attend any immigration proceedings. He is a married and longtime resident of Michigan, where he owns land, with one U.S. citizen child. He has made a life here and has no intention or reason to abscond from his family, community, or employment.

85. Moreover, Petitioner has no criminal convictions and poses no threat to public safety. His detention is not necessary to protect the community and Respondents have not claimed that it is. Even if they had, Respondents cannot justify his detention on those grounds absent “strong procedural protections.” *Zadvydas*, 533 U.S. at 690-91. Yet, Petitioner was provided no

notice that he would be detained and no opportunity to dispute any claims that he is a danger to the community or is likely to abscond.

86. Petitioner's unjustified and prolonged detention is unrelated to the purposes justifying it as a constitutional matter, and therefore contravenes the fundamental due process protections of the Fifth Amendment of the U.S. Constitution. *Yendez*, 2026 U.S. Dist. LEXIS 29520, at *8 (citing cases).

COUNT VI

Violation of Fifth Amendment Substantive Due Process: Denial of Proper Medical Care

87. Petitioner incorporates by reference the allegations in the preceding paragraphs.

88. The Fifth Amendment guarantees that civil detainees, including all immigrant detainees, may not be subjected to punishment. The government violates this substantive due process right when it subjects civil detainees to treatment and conditions of confinement that amount to punishment or do not ensure the detainees' safety and health. *See Garcia v. Noem*, 2025 U.S. Dist. LEXIS 213734, at *17-18 (W.D. Mich. Oct. 29, 2025) ("The Court may also consider Petitioner's conditions of confinement, i.e., 'whether a detainee is held in conditions indistinguishable from criminal incarceration.'").

89. Respondents have violated Petitioner's Fifth Amendment substantive due process rights by subjecting him to conditions of confinement that amount to punishment. Since being detained, Petitioner has been denied proper treatment and medication pertaining to his hip replacement and, as a result, his condition has significantly worsened. Without proper treatment and medication, Petitioner faces pain, permanent injury, and potentially life-threatening complications.

90. By withholding necessary medical care and treatment, Respondents have violated Petitioner's Fifth Amendment substantive due process rights by subjecting him to conditions of confinement that amount to punishment.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the U.S. District Court for the Eastern District of Michigan while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause within three days why this Petition should not be granted;
- d. Issue a Writ of Habeas Corpus requiring that Respondents immediately release Petitioner from detention;

- e. In the alternative, order an immediate, constitutionally adequate individualized custody determination at which the Government bears the burden to justify continued detention and the Court considers less restrictive alternatives to detention;
- f. Declare that Petitioner's detention is unlawful;
- g. Award Petitioner's attorney's 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
- h. Grant any other and further relief that this Court deems just and proper.

Respectfully Submitted,

Date: February 23, 2026

s/Christopher M. Casazza
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, ROBERTO JAIME PRADO OROZCO, and submit this verification on his behalf. I verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

Dated this 23rd day of February, 2026.

Respectfully Submitted,

s/Christopher M. Casazza

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