

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

ROBERTO JAIME PRADO	:	
OROZCO,	:	Case No.: 2:26-cv-10618-GAD-EAS
	:	
Petitioner,	:	Judge Gershwin A. Drain
	:	Mag. Judge Elizabeth A. Stafford
v.	:	
	:	
TROY GOODNOUGH, Sheriff,	:	
Monroe County Jail, <i>et al.</i>,	:	
	:	
Respondents.	:	

**PETITIONER’S REPLY IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

Petitioner Roberto Jaime Prado Orozco (Orozco) has been unlawfully detained at the Monroe County Jail in Monroe, Michigan, for *ten* months. Despite his residence in the country for 23 years, his wife and U.S. citizen son, his real estate ownership and steady employment in Michigan, and his lack of any criminal convictions or history of violence, ICE arrested Orozco in May 2025 and transported him to the Monroe County Jail. He has been denied any opportunity for release on bond or other conditions, or to be heard before a neutral arbiter to challenge the legality of his detention. Orozco filed a petition for a writ of habeas corpus, alleging that his detention violates the INA and his Fifth Amendment due process rights. Federal Respondents have responded with boilerplate arguments that largely rely on the Fifth Circuit's *Buenrostro-Mendez* decision and other out-of-circuit case law. Yet, case law in this circuit is clear that Orozco's detention fails to comport with the law. This Court should, therefore, grant Orozco's petition and order his immediate release.

I. Petitioner's Detention Violates the INA and Bond Regulations.

Federal Respondents claim that Orozco is properly detained under § 1225(b)(2) and they spend pages advancing their preferred interpretation. ECF No. 4, PageID.59-75. But their arguments have been routinely rejected.

In fact, a district court in this circuit recently precluded the Government from relying on § 1225(b)(2) to justify continued detention of *Maldonado Bautista*

class members in subsequent individual habeas cases, even while the declaratory judgment is on appeal. *See Ruiz v. Woosley*, 2026 U.S. Dist. LEXIS 43177, at **2, 22 (W.D. Ky. Mar. 3, 2026). Even if the Government is permitted to rely on § 1225(b)(2) here, district courts in this circuit have repeatedly rejected its statutory construction analysis.¹ As another district court reasoned, “Respondents’ interpretation of § 1225(b)(2)(A)” “that all unadmitted and uninspected aliens are ‘applicants for admission’” “would call for mandatory detention of every

¹ *See, e.g., Pizarro Reyes v. Raycraft*, 2025 U.S. Dist. LEXIS 175767 (E.D. Mich. Sept. 9, 2025); *Lopez-Campos v. Raycraft*, 797 F. Supp. 3d 771 (E.D. Mich. 2025); *Diaz Sandoval v. Raycraft*, 2025 U.S. Dist. LEXIS 205418 (E.D. Mich. Oct. 17, 2025); *Contreras-Cervantes v. Raycraft*, 2025 U.S. Dist. LEXIS 205416 (E.D. Mich. Oct. 17, 2025); *Pacheco Mayen v. Raycraft*, 2025 U.S. Dist. LEXIS 205428 (E.D. Mich. Oct. 17, 2025); *Casio-Mejia v. Raycraft*, 2025 U.S. Dist. LEXIS 207165 (E.D. Mich. Oct. 21, 2025); *Santos Franco v. Raycraft*, 2025 U.S. Dist. LEXIS 207169 (E.D. Mich. Oct. 21, 2025); *Morales-Martinez v. Raycraft*, 2025 U.S. Dist. LEXIS 220596 (E.D. Mich. Nov. 7, 2025); *Velasco-Sanchez v. Raycraft*, 2025 U.S. Dist. LEXIS 256727 (E.D. Mich. Dec. 11, 2025); *Zambrano-Garcia v. Raycraft*, 2026 U.S. Dist. LEXIS 54146 (W.D. Mich. Mar. 16, 2026); *Pirona v. Noem*, 2025 U.S. Dist. LEXIS 263175 (W.D. Mich. Dec. 19, 2025); *Calderon Mendez v. Raycraft*, 2026 U.S. Dist. LEXIS 45601 (E.D. Mich. Mar. 5, 2026); *Lopez-Lopez v. Noem*, 2026 U.S. Dist. LEXIS 29036 (N.D. Ohio Feb. 12, 2026) (describing at least 350 decisions as of November 26, 2025, and agreeing that the “clear majority” favors similar petitioners’ statutory interpretation); *Singh v. Lewis*, 2025 U.S. Dist. LEXIS 185696 (W.D. Ky. Sept. 22, 2025); *Antele Cobix v. Raycraft*, 2025 U.S. Dist. LEXIS 257963 (W.D. Mich. Dec. 12, 2025); *Candela Bastidas v. Noem*, 2025 U.S. Dist. LEXIS 258019 (W.D. Mich. Dec. 12, 2025); *Acuna Sanchez v. Noem*, 2025 U.S. Dist. LEXIS 257958 (W.D. Mich. Dec. 12, 2025); *Penagos Robles v. U.S. Dep’t of Homeland Sec.*, 2025 U.S. Dist. LEXIS 257962 (W.D. Mich. Dec. 12, 2025); *Duarte v. Harper*, 2026 U.S. Dist. LEXIS 5336 (W.D. Tenn. Jan. 12, 2026); *Parwinder Kaur v. Raycraft*, 2026 U.S. Dist. LEXIS 51982 (N.D. Ohio Mar. 13, 2026).

noncitizen present in the United States who has not been lawfully admitted”—an interpretation that is “much too broad.” *Salmeron v. Olson*, 2026 U.S. Dist. LEXIS 25104, at *19 (W.D. Ky. Feb. 6, 2026).

Buenrostro-Mendez is non-binding and unpersuasive, and should not change the court’s analysis. *Calderon Mendez*, 2026 U.S. Dist. LEXIS 45601, at *6 n.2 (rejecting *Buenrostro-Mendez* for all the reasons explained in the dissent of that opinion); *Zambrano-Garcia*, 2026 U.S. Dist. LEXIS 54146, at *5 n.1 (same). It also conflicts with the Seventh Circuit’s decision in *Castañon-Nava*, which held that the Government is not likely to succeed on the merits of its argument based on the same interpretation of § 1225 that it presses here. *Castañon-Nava v. U.S. Dep’t of Homeland Sec.*, 161 F.4th 1048, 1061 (7th Cir. 2025).

II. Petitioner’s Detention Violates His Due Process Rights.

Federal Respondents’ detention of Orozco also violates his procedural and substantive due process rights. Notably, Federal Respondents do not engage at all with the *Mathews v. Eldridge* three-part balancing test for a procedural due process claim; nor do they dispute Orozco’s allegations concerning the application of those factors here. *See* ECF No. 1 at ¶¶ 72-79, PageID.20-22. Similarly, Federal Respondents do not refute Orozco’s allegations that his detention violates his substantive due process. *See* ECF No. 1 at ¶¶ 81-86, PageID.22-24. For these reasons, the Court can and should grant the petition.

Federal Respondents broadly assert that Orozco has no viable due process claim. ECF No. 4, PageID.76. In similar situations, courts have rejected the same broad assertions the Government makes here. *Zambrano-Garcia*, 2026 U.S. Dist. LEXIS 54146, at *5 (holding that petitioner’s current detention under the mandatory detention framework set forth in § 1225(b)(2)(A) violates due process, citing cases); *see also Duarte*, 2026 U.S. Dist. LEXIS 5336, at **16-18 (holding that petitioner’s detention without a bond hearing violated his due process rights); *Parwinder*, 2026 U.S. Dist. LEXIS 51982, at **32-34 (same); *Calderon Mendez*, 2026 U.S. Dist. LEXIS 45601, at **6-7 (same, citing cases).

Furthermore, Federal Respondents’ citation to *Thuraissigiam* and *Demore* are inapposite. ECF No. 4, PageID.76. First, Federal Respondents’ reliance on *Thuraissigiam* collapses the crucial line between deportability and detention. Orozco challenges only the lawfulness of his civil confinement and the Government’s refusal to afford him a bond hearing—not any entitlement to remain in the United States. *See Lopez-Arevelo v. Ripa*, 2025 U.S. Dist. LEXIS 188232, at **21-24 (W.D. Tex. Sept. 21, 2025) (distinguishing *Thuraissigiam* from petitioner’s challenge to his detention in immigration custody and emphasizing the “importance of the deportability-detention distinction”).

Federal Respondents’ reliance on *Demore* fares no better. *Demore* pertained to mandatory detention under § 1226(c), which only applies to a specific class of

aliens convicted of serious crimes. *Demore v. Kim*, 538 U.S. 510 (2003). But “there is nothing to suggest that detainees subject to § 1225(b)(2) share a categorical characteristic that supersedes their individual interests in physical freedom.” *Sanchez v. Noem*, 2026 U.S. Dist. LEXIS 47222, at *21 (W.D. Tex. Mar. 2, 2026). Moreover, “a majority of the [*Demore*] Court concluded that at least some individualized preliminary proceeding was required by the Due Process Clause in order to detain an alien pending removal proceedings, even in the context of aliens who had been convicted of serious crimes.” *Gomez Hernandez v. ICE Field Office Dir.*, 2026 U.S. Dist. LEXIS 40258, at **4-5 (W.D. Tex. Feb. 23, 2026) (citations omitted). This conclusion supports, rather than forecloses, Orozco’s procedural due process challenge here.

The Court can also grant relief on Orozco’s substantive due process claim in Count V, as “the concept of the government taking any person into custody without warning, reason, or *any* documentation to support their arrest is abhorrent to the Constitution.” *Herrera v. Sec’y of the U.S. Dep’t of Homeland Sec.*, 2026 U.S. Dist. LEXIS 40599, at *24 (N.D. Ohio Feb. 27, 2026) (report & recommendation).

Orozco is also entitled to release on his substantive due process claim in Count VI. Orozco does not seek to change the conditions of his confinement. Rather, he alleges that no custodial conditions will suffice for his hip replacement

and seeks release from custody. “That form of relief falls squarely within the purview of section 2241.” *Awshana v. Adducci*, 453 F. Supp. 3d 1045, 1047 (E.D. Mich. 2020). Orozco’s allegations show that the detention facility has provided him improper footwear, he has fallen twice as a result of that improper footwear, and for the past *ten* months he has been detained, he has been provided only pain medication—no therapy, rehabilitation, or other treatment. ECF No. 1 at ¶¶ 56, 89, PageID.16-17, 25. “[A] remedy for unsafe conditions need not await a tragic event.” 453 F. Supp. 3d. at 1049. Orozco should be released from custody.

III. Petitioner Preserves His Claim for Relief Under *Maldonado Bautista*.

Petitioner acknowledges that *Maldonado Bautista* is currently inapplicable to Orozco’s claim in Count II. *See Maldonado Bautista v. U.S. Dep’t of Homeland Sec., et al.*, No. 26-1044, Dkt 5.1 (9th Cir. Mar. 6, 2026). Yet, Federal Respondents do not dispute that Orozco is a member of the Bond Eligible Class in *Maldonado Bautista*; thus, Petitioner preserves his claim, as the Ninth Circuit may lift its temporary stay prior to the Court’s ruling in this case.

Federal Respondents argue that *Maldonado Bautista* “has no effect at this time,” but nevertheless contend that Orozco should be required to “seek bond in immigration court based on the declaratory judgment issued in *Maldonado Bautista* and, if dissatisfied with that process, address his complaints with class

counsel in *Maldonado Bautista*” before seeking relief in this Court. ECF No. 4, PageID.77-78. The Court should not be swayed by these inconsistent positions.

Orozco has already sought a bond redetermination hearing before an immigration judge, who summarily denied bond due to *Matter of Yajure Hurtado*. ECF No. 1 at ¶ 53, PageID.15-16. Requiring further exhaustion “would not further the ends of judicial efficiency and protecting administrative authority because it would only delay the resolution of [Orozco’s] legal questions.” *Duarte*, 2026 U.S. Dist. LEXIS 5336, at *10; *see also id.* at *9 (“an administrative remedy may be inadequate where the administrative body . . . has otherwise predetermined the issue before it”) (marks and citations omitted); *Zambrano-Garcia*, 2026 U.S. Dist. LEXIS 54146, at *4 (declining to enforce the doctrine of prudential exhaustion against petitioner). The Court should, therefore, decline to require Orozco to further pursue futile remedies.

CONCLUSION

For all of the foregoing reasons, the Court should grant Orozco’s petition.

Respectfully submitted,

Dated: March 18, 2026

/s/ Christopher M. Casazza
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