UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADRIANA PAOLA PEREZ ESCOBAR

Petitioner,

Case No. 1:26-cv-680

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

ORAL ARGUMENT REQUESTED

KEVIN RAYCRAFT, Acting Field Director for U.S. Immigration and Customs Enforcement, Detroit Field Office, in his official capacity; KRISTI NOEM, Secretary, U.S. Department of Homeland Security; PAMELA BONDI, U.S. Attorney General.

Respondents.

INTRODUCTION

1. Petitioner is **currently pregnant** and detained by ICE at North Lake, Baldwin, MI.
2. She is also separated from her husband and their one-and-a-half-year-old U.S. citizen child because she was detained by ICE for no reason.
3. This petition arises from the sudden and inexplicable re-detention of Petitioner by ICE agents on after he was previously paroled into the country almost two years ago by DHS under the humanitarian parole statute, 8 U.S.C. § 1182(d)(5).
4. Petitioner is a native of Venezuela and an asylum seeker and has lived in the United States for the almost two years.
5. She thus obtained a substantial and significant liberty interest in remaining free in this country to work and live while her immigration case proceeds.
6. But Petitioner was randomly re-detained by ICE agents, without notice or an opportunity

be heard.

7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that she be immediately released from custody and be provided with notice and an opportunity to be heard before being re-detained.

JURISDICTION

8. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus); 28 U.S.C. § 1331 (federal question); and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

9. 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

10. Venue is proper in the Western District of Michigan under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. Petitioner is detained at the direction, and is in the immediate custody, of Respondent Kevin Raycraft. *See Roman v. Ashcroft*, 340 F.3d 314, 320-21 (6th Cir. 2003).

11. 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 the claims and relevant facts occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

12. 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 Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

13. 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

14. Petitioner is a citizen of Venezuela and resident of Michigan. She is currently detained by ICE in Baldwin, Michigan.

15. Respondent Kevin Raycraft is the Acting Director of the Detroit Field Office of ICE's Enforcement and Removal Operations division. As such, Acting Director Raycraft is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

16. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the 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 Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review (EOIR) and the immigration system it operates is a component agency. She is sued in her official capacity.

FACTS

18. Petitioner arrived in the United States on or about September 30, 2023, as an asylum seeker.
19. She presented herself at the border, was detained and charged as an arriving noncitizen not in possession of proper travel or entry documents under.
20. She was subsequently paroled into the United States under 8 U.S.C. § 1182(d)(5) to pursue her asylum application.
21. Since then, she has applied for asylum, given birth to a U.S. citizen child, received work authorization, and begun building a life in this country.
22. She is currently pregnant with her second child.
23. She was detained for no reason by ICE over a month ago.
24. She was not given notice of his parole revocation prior to his re-detention.
25. On information and belief, Respondents made no individualized determination regarding his parole status or any change in circumstances specific to Petitioner.
26. Petitioner is not flight risk nor a danger to her community.

LEGAL FRAMEWORK

A. Respondent's Revocation of Parole Was Contrary to Statute and Regulation

27. Once paroled into the United States, under the statute, a noncitizen may not be "returned to the custody from which he was paroled" unless in the Secretary's opinion, "the purposes of such parole . . . have been served." 8 U.S.C. § 1182(d)(5)(A).
28. Revocation of parole is also governed by regulations. 8 C.F.R. 212.5(e).
29. Those regulations require written notice.

30. Those regulations further require that to terminate parole, either the purposes of the parole have been accomplished, or that an individual decision has been made that neither a humanitarian reason nor public benefit warrants continued parole.

31. That is, "[u]nder the governing regulation, [§ 1182(d)(5)(A)] parole may be terminated only if the purpose of parole is accomplished, or humanitarian reasons and the public benefit no longer warrant parole." *Prada v. Raycraft*, No. 1:25-cv-1944, 2026 U.S. Dist. LEXIS 9413, at *6 (W.D. Mich. Jan. 16, 2026) (internal quotation marks and citation omitted).

32. Moreover, to comply with the statute, revocation of parole can only be done following a "case-by-case assessment." *Id.* at *7.

33. No analysis of Petitioner's parole or the purposes for which it was granted occurred here and her re-detention is not in the public interest. Respondents thus violated the statutory and regulatory provisions of 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e).

34. If Respondents did not follow those requirements, then they did not have the authority to arrest and detain Petitioner. *Prada v. Raycraft*, No. 1:25-cv-1944, 2026 U.S. Dist. LEXIS 9413, at *9 (W.D. Mich. Jan. 16, 2026).

35. Because her arrest was not lawful and there was no other valid reason to arrest her, the proper remedy is immediate release.

B. Petitioner's Re-Detention Violates the Fifth Amendment

36. In the Sixth Circuit, the balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976), regarding the adequacy of process, applies in the context of immigration detention. *Prada v. Raycraft*, No. 1:25-cv-1944, 2026 U.S. Dist. LEXIS 9413, at *10-11 (W.D. Mich. Jan. 16, 2026)

37. First, Petitioner was paroled into this country almost two years ago after DHS determined she was not a flight risk or danger. She has gained a substantial liberty interest in remaining free from detention as she pursues her asylum application.
38. She is now detained and facing conditions indistinguishable from "criminal incarceration." *Id.* at *12. She is pregnant and separated from her baby and husband.
39. Second, there is a "high risk of erroneously depriving Petitioner of [her] freedom if Petitioner does not receive an individualized determination regarding the revocation of [her] parole." *Id.*
40. Thus, due process requires, at a "minimum, the opportunity for [Petitioner] to submit evidence relevant to whether [the government] should revoke [his parole] before [it] make[s] a revocation decision." *Id.* (internal quotation marks and citation omitted.)
41. Finally, while Respondents may have an interest in ensuring noncitizens appear at their immigration hearings and are not dangers to the community, Respondents do not have a significant interest in Petitioner's continued detention because she is not a danger to the community or a flight risk.
42. Notably, continuing to enforce Petitioner's detention would likely impose more costs upon the Government, as it would be required to continue funding and overseeing Petitioner's detention.
43. Because all three *Matthews* factors weigh in favor of Petitioner, her re-arrest and detention without prior notice or an opportunity to be heard violate her due process rights under the Fifth Amendment.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA and Regulations

44. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

45. Petitioner's re-detention without notice and without an individualized determination regarding her parole status violates the INA and the implementing regulations and is thus unlawful.

COUNT II

Violation of Due Process

46. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

47. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

48. Petitioner has a fundamental interest in liberty and being free from official restraint.

49. Petitioner further gained a substantial liberty interest after being released by Respondents to live freely in this country, work legally, and pursue her asylum application.

50. Petitioner's re-detention without a pre-arrest hearing violates her right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner 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 from custody immediately and provide notice and a hearing before an immigration judge prior to re-detaining Petitioner;

c. Enjoin Respondents from transferring the Petitioner from the jurisdiction of this District pending these proceedings,

d. Award Petitioner 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

e. Grant any other and further relief that this Court deems just and proper.

Dated: March 2, 2026

Respectfully submitted,

/s/ Michael Drew

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have either independently confirmed the events described in this Petition and Complaint or discussed the events with Petitioner's partner. On the basis of those discussions and my own investigation, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

/s/ Michael Drew

Attorney for Petitioner