UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILSON DAVID CASTILLO MONTERO,

Petitioner,

Case No. 26-cv-711

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

KEVIN RAYCRAFT, 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, THE GEO GROUP, INC, facility operators; John Doe, Warden of North Lake Correctional Facility (or his/her successors),

Respondents.

INTRODUCTION

1. This petition arises from the sudden and inexplicable re-detention of Petitioner by ICE agents on February 23, 2026.
2. Petitioner is a citizen of Colombia and resident of Detroit, Michigan, who was arrested by ICE on February 23, 2026, and is currently detained in Baldwin, Michigan at the privately owned GEO North Lake Detention Facility.
3. Petitioner was previously detained on December 4, 2022, and paroled into the country on February 6, 2022, when he arrived in the United States. See attached Exhibit "A".
4. Petitioner was subsequently re-detained on February 23, 2026, without notice or an opportunity be heard despite adhering to all the conditions of his parole.

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

JURISDICTION

6. 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).
7. 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

8. 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).
9. 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

10. 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.*

11. 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

12. Petitioner is a citizen of Colombia and resident of Detroit, Michigan. He was arrested by ICE agents on February 23, 2026.

13. Respondent, Director Raycraft is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

14. 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.

15. 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.

16. Respondent The Geo Group, Inc. is the private entity under contract with ICE operating the North Lake Correctional Facility, where Petitioner is detained. They have immediate physical custody of Petitioner. They are sued in their official capacity.

17. Respondent John Doe (or his/her successors) is employed by The Geo Group, Inc. as Warden of the North Lake Correctional Facility, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

FACTS

18. Petitioner is a citizen of Colombia and lives in Detroit, Michigan. He was arrested by Immigration and Customs Enforcement (ICE) on February 23, 2026, while working as an Uber/Lyft Driver.

19. Petitioner arrived in the United States on or about December 4, 2022. He was detained and charged as an arriving noncitizen not in possession of proper travel or entry documents under 8 U.S.C. § 1182(a)(7)(A)(i)(I).

20. He was subsequently paroled into the United States under 8 U.S.C. § 1182(d)(5) on December 6, 2022, filed his I-589 application for asylum on December 1, 2023, and was granted employment authorization until February 9, 2029. See attached Exhibit "B".

21. He was not given notice of his parole revocation prior to his re-detention.

22. Petitioner is not flight risk nor a danger to his community.

LEGAL FRAMEWORK

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

23. 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).

24. Revocation of parole is also governed by regulations. 8 C.F.R. 212.5(e).

25. Those regulations require written notice.

26. 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.

27. Thus, "both common sense and the words of the statute require parole revocation to be analyzed on a case-by-case basis and that a decision to revoke parole must attend to the reasons an individual noncitizen received parole." *Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 U.S. Dist. LEXIS 135986, at *29 (W.D.N.Y. July 16, 2025) (internal citations, brackets, and quotation marks omitted).

28. Respondents, in failing to make a determination that the purpose of Petitioner's parole had been accomplished, violated the statutory and regulatory provisions of 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e). *Orellana v. Francis*, No. 25-CV-04212 (OEM), 2025 U.S. Dist. LEXIS 196589, at *9 (E.D.N.Y. Oct. 3, 2025).

29. In this context, the parole of a noncitizen is in the 'public benefit' when that noncitizen is neither a flight risk nor a danger to the community. *See, Mons v. McAleenan,* 2019 U.S. Dist. LEXIS 151174, 2019 WL 4225322, at *2 (D.D.C. Sept. 5, 2019).

30. In other words, it is *not* in the public interest to re-detain parolees who are not flight risks or dangers to the community.

31. No analysis of Petitioner's parole or the reasons it was granted occurred here and his re-detention is not in the public interest and Respondents violated the INA and the APA.

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

32. Individuals who have been conditionally released from detention have a protected interest in their "continued liberty." *Herrera v. Tate*, No. H-25-3364, 2025 U.S. Dist. LEXIS 189999, at *31 (S.D. Tex. Sep. 26, 2025) (quoting *Young v. Harper*, 520 U.S. 143, 147, (1997).

33. Petitioner's re-detention, almost four years after being paroled into the United States from an initial detention, was without prior notice, a showing of changed circumstances, or a meaningful opportunity to object, and therefore he was not afforded the procedural requirements of the Fifth Amendment. *See, e.g., Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 U.S. Dist. LEXIS 156344, at *36 (D. Ariz. Aug. 11, 2025); *Rosales-Garcia v. Holland*, 322 F.3d 386, 409 (6th Cir. 2003) ("Excludable aliens—like all aliens—are clearly protected by the Due Process Clauses of the Fifth and Fourteenth Amendments."), *citing Yick Wo v. Hopkins*, 118 U.S. 356, 6 S. Ct. 1064, 30 L. Ed. 220 (1886).

34. The government therefore does not have the authority to arrest a noncitizen who has been granted parole without properly terminating that parole. *Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 U.S. Dist. LEXIS 135986, at *26 (W.D.N.Y. July 16, 2025); *Y-Z-L-H v. Bostock*, 2025 U.S. Dist. LEXIS 130216, 2025 WL 1898025, at *13 (D. Or. July 9, 2025), or unless there is some other valid reason to arrest him.

35. Due process then "requires a hearing before an immigration judge before re-detention. *Mejia v. Woosley*, Civil Action No. 4:25-cv-82-RGJ, 2025 U.S. Dist. LEXIS 203256, at *11 (W.D. Ky. Oct. 15, 2025) (internal citation and internal quotation marks omitted).

CLAIMS FOR RELIEF

COUNT I

Violation of the INA and APA

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

37. Petitioner's re-detention without notice and without an individualized determination regarding his parole status violates the INA and the APA.

COUNT II

Violation of Due Process

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

39. 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).

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

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

42. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his 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 4, 2026

Respectfully submitted,

/s/ William A Quiceno
William A Quiceno
Kempster Corcoran, Quiceno & Lenz-Calvo, Ltd.
332 S Michigan Avenue, Suite 1428
Chicago, IL 60604
Tel. 312-341-9730 Ext 134
Email: williamq@klc-ltd.com

Attorneys for Petitioner

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 spouse. 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/ William A Quiceno

Attorney for Petitioner