UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Daniel RAMIREZ MARTINEZ, Petitioner, v. KEVIN RAYCRAFT, in his official capacity as Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; Todd M. Lyons in his official capacity as the Acting Director of United States Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security, Respondents.	**Case No. 1:26-cv-00752** Hon. Judge: Magistrate Judge: **PETITION FOR WRIT OF HABEAS CORPUS** DETAINED – Detroit Field Office Agency Case No. [redacted]

PETITION FOR WRIT OF HABEAS CORPUS

AND COMPLAINT FOR INJUNCTIVE RELIEF

INTRODUCTION

1. This petition arises from the U.S. government's new policy—which contradicts both the plain language of the Immigration and Nationality Act (INA) and decades of agency practice—of erroneously interpreting the INA to mandate detention without the possibility of bond for noncitizens who entered the United States without inspection, even if they have been residing here for years.

2. This policy has led to the unlawful detention of countless noncitizens nationwide. Dozens of habeas corpus petitions for their release have been filed in jurisdictions across the country, including many in the Western and Eastern Districts of Michigan. Virtually every merits decision in those cases has found for the petitioners, either ordering their immediate release or a constitutionally adequate bond hearing.

3. Petitioner Daniel RAMIREZ MARTINEZ has been unlawfully detained without the possibility of bond in furtherance of this policy. Petitioner entered the United States without inspection in approximately February of 2002. He was not apprehended or detained upon arrival. Petitioner has remained and lived in the U.S. for over twenty-four (24) years.

4. On information and belief, on February 25, 2026, at approximately 9:00 AM, Petitioner, a painter, carpenter, and laborer, drove in his unmarked work van with ladders on top from his home in Ypsilanti to a co-worker's apartment complex

to drive to a worksite together. While in that apartment complex, Petitioner was aware he was being watched from a black Ford Explorer. With his co-worker as a passenger, he drove out of the apartment complex and towards a gas station, which he discovered was closed. As he made a turn to go towards a second gas station, the black Ford Explorer blocked him. There were one or more additional vehicles. Several agents, some in plain clothes, some with some form of ICE or CBP identification, some wearing masks, yelled at Petitioner and told him to put his van in park and turn it off. Agents pulled him from his van, slammed the door with his foot still in the door frame, and threw him to the ground. Petitioner was taken by the arresting agents to the Detroit ICE Field Office on Michigan Avenue, where he was processed and detained without bond under the authority of the Detroit ICE Field Office Director.

5. Respondents placed Petitioner in civil immigration removal proceedings. On information and belief, Respondents issued a Notice to Appear (NTA) charging him as an alien present without admission or parole under 8 U.S.C. § 1182(a)(6)(A)(i) and as an immigrant not in possession of valid documentation under 8 U.S.C. § 1182(a)(7)(A)(i)(I). The NTA does not allege that Petitioner is an arriving alien.

6. Later that same day, Petitioner was transferred to the North Lake Processing Center in Baldwin, Michigan. Petitioner remains detained without bond

at North Lake, which falls under the purview of the Detroit Field Office of Immigration and Customs Enforcement (ICE), which has responsibility for immigration detention centers in Michigan and Ohio.

7. Under 8 U.S.C. § 1226(a), which allows for release on conditional parole or bond, Petitioner is entitled to a bond determination on the issues of danger and flight risk. That statute expressly applies to people who, like Petitioner, are residing in the United States but are charged as inadmissible for having initially entered the United States without inspection. In accordance with 8 U.S.C. § 1226(a), the Department of Homeland Security (DHS) and Executive Office of Immigration Review (EOIR) have for decades provided bond determinations and bond hearings to people like Petitioner who have been living in the United States but allegedly entered without inspection.

8. However, pursuant to a new governmental policy announced on July 8, 2025,[1] and the Board of Immigration Appeals decision in *Matter of Yajure Hurtado*[2] – which has since been vacated by the Court in *Maldonado Bautista*[3] – Petitioner is

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[1] ICE Memo: Interim Guidance Regarding Detention Authority for Applicants for Admission (Jul. 8, 2025), https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission [https://perma.cc/8SP7-TDDD].

[2] *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *See* Appendix 1.

[3] *Maldonado Bautista*, No. 25-01873, ECF116 PageID.2090 (February 18, 2026) ("The Court hereby **VACATES** *Matter of Yajure Hurtado* as contrary to law under the APA.") (emphasis in original). *See Appendix 2*.

now being unlawfully detained without bond. The new policy instructs all ICE employees to no longer apply 8 U.S.C. § 1226(a) to people charged with being inadmissible under § 1182(a)(6)(A)(i)—i.e., those who initially entered the United States without inspection. Instead, under the new policy, ICE employees are to subject people like Petitioner – no matter how long they have resided in the United States – to mandatory detention without bond under § 1225(b)(2)(A)—a provision that has historically been applied only to recent arrivals at the U.S. border.

9. Detaining Petitioner without bond is plainly contrary to the statutory framework of the INA and contrary to both agency regulations and decades of consistent agency practice applying § 1226(a) to people like Petitioner. It is contrary to the Department's own charging document, which indicates Petitioner is "an alien present" and not "an arriving alien." Most importantly, it also violates Petitioner's right to due process by depriving him of his liberty without any consideration of whether such a deprivation is warranted.

10. Respondents continue to detain individuals such as Petitioner despite numerous judicial rulings that such detention purportedly justified by § 1225(b)(2)(A) is unlawful and a violation of due process.

11. Petitioner is not challenging any discretionary denial of bond; he is challenging his unlawful detention by Respondents under § 1225(b)(2)(A).

12. Accordingly, there is only one appropriate remedy for Respondents' Due Process violation: Petitioner seeks a writ of habeas corpus ordering that he be immediately released from custody.

JURISDICTION

13. Petitioner Daniel RAMIREZ MARTINEZ is in the physical and legal custody of Respondents. Petitioner is detained at the North Lake Processing Center in Baldwin, Michigan.

14. 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 United States Constitution (the Suspension Clause).

15. 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

16. Venue is proper in the Western District of Michigan under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. Petitioner is physically detained in an immigration detention facility in Baldin, Michigan, at the direction of, and is in the continued

legal custody of, Respondent Kevin Raycraft in his capacity as Field Officer Director of Detroit ICE/ERO. *See Roman v. Ashcroft*, 340 F.3d 314, 320-21 (6th Cir. 2003).[4]

17. 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 the Western District.

REQUIREMENTS OF 28 U.S.C. § 2243

18. The Court must grant the petition for a 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.* Petitioner respectfully requests this Court require Respondents to show cause in three days.

19. 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

[4] Petitioner respectfully asserts that on the basis of the Detroit ICE/ERO Field Office maintaining legal custody of Petitioner pursuant to *Rowman v. Ashcroft*, the Eastern District of Michigan also has jurisdiction over this matter, but concedes that as the district of confinement, the Western District of Michigan also has jurisdiction and is a proper venue for this Habeas petition.

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

20. Petitioner Daniel RAMIREZ MARTINEZ is a citizen of Mexico who has resided in the United States continually since entering in 2002. He has been in immigration detention since February 25, 2026, and is currently detained at North Lake Processing Center. After taking custody of Petitioner, ICE did not set bond.

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

22. Respondent Todd M. Lyons is the Acting Director of United States Immigration and Customs Enforcement (ICE), the federal agency responsible for enforcement of the INA, including apprehension, detention, and removal of noncitizens. As Acting Director of ICE, Respondent Lyons is responsible for implementation and enforcement of the INA and oversees the Detroit Field Office, which remains the legal custodian of Petitioner while detained.

23. 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.

FACTS

Petitioner Daniel RAMIREZ MARTINEZ

24. Petitioner Daniel RAMIREZ MARTINEZ was born in 1982 in Distrito Federal, Mexico, into a family with 4 siblings that lived in poverty. Petitioner was required to start working at fifteen years of age. **Exhibit 1**.

25. Petitioner has resided in the United States since entering without inspection in 2002. He lives in Ypsilanti, Michigan.

26. Petitioner is unmarried and has no children. He owns his home in Ypsilanti and has an enormous community of friends who love him, some of whom were able to submit letters on behalf of their friend, Petitioner. **Exhibit 2**.

27. On information and belief, on February 25, 2026, at approximately 9:00 AM, Petitioner, a painter, carpenter, and laborer, drove in his unmarked work van with ladders on top from his home in Ypsilanti to a co-worker's apartment complex to drive to a worksite together. While in that apartment complex, Petitioner was aware he was being watched from a black Ford Explorer. With his co-worker as a passenger, he drove out of the apartment complex and towards a gas station, which he discovered was closed. As he made a turn to go towards a second gas station, the black Ford Explorer blocked him. There were one or more additional vehicles.

Several agents, some in plain clothes, some with some form of ICE or CBP identification, some wearing masks, yelled at Petitioner and told him to put his van in park and turn it off. Agents pulled him from his van, slammed the door with his foot still in the door frame, and threw him to the ground. Petitioner was taken by the arresting agents to the Detroit ICE Field Office on Michigan Avenue, where he was processed and detained without bond under the authority of the Detroit ICE Field Office Director.

28. Also on February 25, 2026, Respondents placed Petitioner in civil immigration removal proceedings and issued a Notice to Appear (NTA) charging him as an alien present without admission or parole under 8 U.S.C. § 1182(a)(6)(A)(i) and as an immigrant not in possession of valid documentation under 8 U.S.C. § 1182(a)(7)(A)(i)(I). The NTA does not allege that Petitioner is an arriving alien. Petitioner's NTA was lodged with the Detroit Immigration Court on March 2, 2026. **Exhibit 3**.

29. Later that same day, Petitioner was transferred to the North Lake Processing Center in Baldwin, Michigan. Petitioner remains detained without access to bond at North Lake. **Exhibit 4**.

30. Petitioner fears that requesting a custody redetermination hearing before an Immigration Judge will be futile, given Respondents' current interpretation of 8 U.S.C. §§ § 1225(b)(2) and 1226(a).

31. Petitioner is neither a flight risk nor a danger to the community, as demonstrated by the following:

- Petitioner has a stable home in Ypsilanti, Michigan, which he owns.
- Petitioner has a strong work history and is financially stable.
- Petitioner has very limited interaction with law enforcement over this 24 years in the United States, including one traffic violation in 2004 for which fines were paid, and one domestic violence charge in 2009 for which only probation and attendance with a social worker were imposed.
- Despite minor blemishes, Petitioner is a person of high moral character and valued member of his community, as evidenced by letters from loved ones.

32. Without relief from this court, Petitioner faces the prospect of months—or even years in immigration custody, separated from family, friends and community. All in violation of due process.

LEGAL FRAMEWORK

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

34. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens who are in removal proceedings. *See* 8 U.S.C. § 1229a. *See also Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) (explaining that § 1226(a) applies to those who are "already in the country" and are detained "pending the outcome of removal proceedings").

Under § 1226(a), individuals who are taken into immigration custody pending a decision on whether they are to be removed can be detained but are generally entitled to seek release on bond.[5] The bond may be set by ICE itself as part of an initial custody determination, *see* 8 C.F.R. § 1236.1(c)(8), and/or the individual may seek a bond hearing in immigration court at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d). Section 1226(a) is the statute that, for decades, has been applied to people like Petitioner who have been living in the United States and are charged with inadmissibility under § 1182(a)(6)(A)(i).

35. Second, the INA provides for mandatory detention of certain recently arrived noncitizens, namely those subject to expedited removal under 8 U.S.C. § 1225(b)(1), and other recent arrivals seeking admission under § 1225(b)(2). *See Jennings*, 583 U.S. at 287, 289 (explaining that § 1225(b)(2)'s mandatory detention scheme applies "at the Nation's borders and ports of entry" to noncitizens "seeking admission into the United States."). Section 1225(b)(2) is the statute that Respondents have suddenly decided is applicable to people like Petitioner.

36. Third, the INA also provides for detention of noncitizens who have already been ordered removed, *see* 8 U.S.C. § 1231. Section 1231 is not relevant here.

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[5] Section § 1226 contains an exception for noncitizens who have been arrested, charged with, or convicted of certain crimes, who are subject to mandatory detention without bond. 8 U.S.C. § 1226(c). That exception does not apply to Petitioner here.

37. This case challenges Respondents' erroneous decision that Petitioner is subject to mandatory detention without bond under §1225(b)(2), rather than being bond-eligible under § 1226(a).

38. 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, 582–583, 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).

39. Following the 1996 enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not 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. 10,312, 10,323 (Mar. 6, 1997) (explaining that "[d]espite being applicants for admission, [noncitizens] 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.").

40. Thus, in the three decades that followed, people who entered without inspection and were subsequently placed in removal proceedings received bond hearings if ICE chose to detain them, unless their criminal history rendered them

ineligible. 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)).

41. However, on July 8, 2025, ICE, "in coordination with" the Department of Justice, suddenly announced a new governmental policy that rejected the well-established understanding of the statutory framework and reversed decades of agency practice.

42. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection are subject to mandatory detention without bond 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, decades, or even since infancy.

43. In decision after decision, federal courts—both nationwide and here in the Western District of Michigan—have rejected Respondents' sudden reinterpretation of the statutory scheme, and have instead held that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *See, Appendix 3.*

44. On September 5, 2025, the BIA issued a precedential decision that rejected the overwhelming consensus of the federal courts. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). That decision held that all noncitizens who entered the United States without admission or parole are ineligible for bond hearings before an IJ. The *Yajure Hurtado* decision, like the government policy it seeks to uphold, defies the INA. The BIA's reasoning is unpersuasive and "at odds with every District Court that has been confronted with the same question of statutory interpretation." *Pizarro Reyes*, 2025 WL 2609425, at *7.

45. In a highly analogous case, certified as a class action, the U.S. District Court for the Central District of California issued a Motion for Summary Judgment (MSJ) Order which held that for individuals apprehended and detained in the interior of the country long after their entry, "that § 1226(a) is the governing authority and that they are not 'applicants for admission.'" *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al.*, No. 5:25-cv-01873 (C.D. Cal. November 25, 2025), ECF81 PageID.1444. That ruling rejected the Board of Immigration Appeals' reasoning in both *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) and the predecessor July 8, 2025, ICE "Interim Guidance Regarding Detention Authority for Applicants for Admission" applying § 235(b)(2)(A) detention without bond to all persons who entered without admission/inspection. Subsequently, the *Maldonado Bautista* Court clarified that "[a]lthough the MSJ Order does not grant vacatur of

Yajure Hurtado under the APA, *Yajure Hurtado* is no longer controlling; the legal conclusion underlying the decision is no longer tenable." *Maldonado Bautista*, No. 25-01873, ECF92 PageID.1726. **On February 18, 2026**, the *Maldonado Bautista* Court issued a further Order granting Petitioner's Motion to Enforce Judgement, in which Judge Sykes made unequivocally clear that "[t]he Court hereby **VACATES** *Matter of Yajure Hurtado* as contrary to law under the APA." *Maldonado Bautista*, No. 25-01873, ECF116 PageID.2090 (February 18, 2026) (emphasis in original).

46. As court after court has explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner and 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]."

47. 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). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute

generally applies." *Rodriguez*, 779 F. Supp. 3d at 1256-57 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

48. Section 1226 therefore 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.

49. 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). *See Jennings*, 583 U.S. at 287 (explaining 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.").

50. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people who have already entered and were long residing in the United States at the time they were apprehended by immigration authorities and detained. Because § 1226(a), not § 1225(b), is the applicable statute, Petitioner's detention without eligibility for bond is unlawful.

51. Petitioner seeks relief from this Court because seeking a bond hearing in Immigration Court and any months-long appeal to the BIA of an IJ's decision denying jurisdiction over bond would be futile. First, the agency's position is clear:

both IJs and future panels of the BIA must follow the *Yajure Hurtado* decision – despite clear class-action rulings from the Central District of California, now including *vacteur* of *Yajure Hurtado* **as of last week**. Further, the new governmental policy was issued "in coordination with DOJ," which oversees the immigration courts, including the BIA—up to and including the ability of the Attorney General to modify or overrule decisions of the BIA, *see* 8 C.F.R. § 1003.1(h). It is therefore unsurprising that the BIA has (erroneously) held that persons like Petitioner are subject to mandatory detention under § 1225(b)(2)(A), rather than being bond-eligible under § 1226(a). Moreover, in the numerous identical habeas corpus petitions that have been filed nationwide, EOIR and the Attorney General are often respondents and have consistently affirmed via briefing and oral argument that individuals like Petitioner are applicants for admission and subject to detention under § 1225(b)(2)(A). *See, e.g.,* Resp. to Pet., *Lopez Campos v. Raycraft*, No. 25-CV-12546 (E.D. Mich. Aug. 9, 2025), Dkt. 9; Resp. to Pet., *Pizarro Reyes v. Raycraft*, No. 25-CV-12546 (E.D. Mich. Aug. 27, 2025), Dkt. 4.

52. Second, by the time the BIA could even issue an appeal—a process that typically takes at least six months, *Rodriguez*, 779 F. Supp. 3d at 1245, and in many cases roughly a year, *id.* — the harm of Petitioner's unlawful detention will be impossible to remediate. Nor will the downstream effects of continued detention be remediable.

53. Third, neither IJs nor the BIA have the authority to decide constitutional claims. *See Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006). Here, Petitioner claims not only that Respondents are unlawfully detaining him without bond hearings under an inapplicable statute, but also that such detention violates Petitioner's constitutional right to due process if the government seeks to deprive him of his liberty.

54. Due Process entitles Petitioner to immediate release from detention.

55. As one District Court has determined, "Petitioner's due process rights have been violated. Despite facing no criminal charge, Petitioner sits in a local jail with no hearing to determine his custody. There is no evidence in the record that Petitioner is a danger to the community or a flight risk, and there is sufficient evidence that he has community ties. Still, he has been afforded no hearing. This violates his due process rights. Immediate release is the only appropriate remedy. Where detention has been found unlawful and no constitutionally adequate bond hearing has been provided, continued custody cannot stand." *Dominguez Izaguirre v. Mason*, Case No. 2:26-cv-00121, (S.D. West Virginia February 27, 2026), ECF No. 18, PageID.125 (emphasis added). *Appendix 4*.

56. At the "heart" of the Fifth Amendment's due process clause is "the freedom from imprisonment—government custody, detention, and other forms of physical restraint." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Depriving a person

of their liberty is only permissible as punishment for crimes, or in "certain special and narrow nonpunitive [i.e. civil] circumstances." *Id.* (quotation omitted). That due process guarantee extends to noncitizens regardless of "whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693.

57. In the alternative and at a bare minimum, Due Process entitles Petitioner to a constitutionally adequate bond hearing.

58. Civil immigration detention is not punishment for a crime. Thus, it can only be justified "where a special [non-punitive] justification . . . outweighs the individual's constitutionally protected interest" in liberty—usually only by a finding that such detention is necessary to prevent their flight or protect against dangers to the community. *Zadvydas*, 533 U.S. at 690 (cleaned up); *see also United States v. Salerno*, 481 U.S. 739, 750 (1987). A hearing on whether such a special justification necessitates civil detention is the most basic protection required by the Fifth Amendment. *See Zadvydas*, 533 U.S. at 690; *Foucha*, 504 U.S. at 79; *Kansas v. Hendricks*, 521 U.S. 346, 357 (1997); *Addington v. Texas*, 441 U.S. 418, 428 (1979). And the nature of that hearing is governed by the classic balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976). That test weighs (1) the nature of "the private interest" being deprived; (2) "the risk of erroneous deprivation" and (3) the "fiscal and administrative burdens" posed by providing additional process. *Id.* All three *Mathews* factors favor Petitioner.

59. In evaluating the *Mathews* factors in the context of removal proceedings the liberty interest of a noncitizen detained under section 1226(a), Courts "have concluded that the first *Mathews* factor indicates the government should bear the burden of proof at an initial section 1226(a) bond hearing even 'absent prolonged detention.'" *Soto-Medina v. Lynch*, Case No. 1:25-cv-01704 (W.D. Mich. January 21, 2026), ECF No. 8, PageID.82, *quoting Hernandez-Lara v. Lyons*, 10 F.4th 19, 29-30 (1st Cir. 2021). *See Alvarez Ortiz*, 2025 WL 3085032 at *12 (collecting cases); *see also Miranda v. Garland*, 34 F.4th 338, 378 (4th Cir. 2022) (Urbanski, J., concurring in part) (noting a "a growing chorus of decisions" by federal district and appellate courts "around the country" that have concluded the government should bear the burden of justifying the continued detention of the noncitizen at Section 1226(a) bond redetermination hearings by clear and convincing evidence"). This District has also determined that "[p]lacing the burden on the government also satisfies the second *Mathews* factor, reducing the risk of erroneous deprivation." *Soto-Medina*, Case No. 1:25-cv-01704, PageID.83. The *Soto-Medina* decision concluded that, "[i]n sum, 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. As noted above, a majority of federal courts, including both trial and appellate courts, have taken this position." *Soto-Medina*, Case No. 1:25-cv-01704, PageID.85, *citing Miranda v. Garland*, 34 F.4th

at 378. Other Court have also determined that the government should bear this burden. *See also*, *Hassen v. Noem*, Case No. 3:26-cv-00048 (February 9, 2026, Western District of Texas), ECF 8, at *4-5.

60. Multiple District Courts have determined that Respondent's repeated detention without bond of noncitizens who are not arriving aliens but rather have lived inside the United States for years is unconstitutional. Yet Respondents continue to do it. For example, Judge Goodwin in the S.D. West Virginia case *Dominguez Izaguirre v. Mason* wrote that, "[t]his court and other judges in this district have now ruled in numerous cases that discretionary detention without individualized custody determinations violates the Fifth Amendment's Due Process Clause..." and that "Constitutional rulings of federal district courts are not advisory opinions. They are binding law within this jurisdiction unless and until reversed." *Dominguez Izaguirre v. Mason*, Case No. 2:26-cv-00121, ECF No. 18, PageID.129-30.

CLAIMS FOR RELIEF

COUNT I

Violation of DUE PROCESS

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

62. 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 (2001). The Fifth Amendment's Due Process Clause extends to all persons, regardless of status. *A. A. R. P. v. Trump*, 145 S. Ct. 1364, 1367 (2025). Noncitizens, such as Petitioner, are entitled to its protections. *See Id.*; *see also Chavez-Acosta v. Garland*, No. 22-3045, 2023 WL 246837, at *3 (6th Cir. Jan. 18. 2023).

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

64. Petitioner's detention under the mandatory detention framework set forth in § 1225(b)(2)(A) violates Petitioner's Fifth Amendment due process rights, which this Court should find is itself sufficient grounds for granting of this Petition on procedural Due Process grounds and ordering Petitioner's immediate release.

COUNT II

Violation of the INA

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

66. Respondents are unlawfully detaining Petitioner without bond pursuant to the mandatory detention provision at 8 U.S.C. § 1225(b)(2).

67. Section 1225(b)(2) does not apply to Petitioner, who previously entered the country and has long been residing in the United States prior to being apprehended and detained without bond by Respondents.

68. Instead, Petitioner should be released immediately or, at a minimum, should be subject to the detention provisions of § 1226(a) and therefore entitled to a custody determination by ICE, and if custody is continued, to a custody redetermination (i.e., a bond hearing) by an immigration judge at which the government should bear the burden of establishing by clear and convincing evidence that Petitioner is either a danger or a flight risk.

69. Respondents' application of 8 U.S.C. § 1225(b)(2) to Petitioner results in Petitioner's unlawful detention without the opportunity for a bond hearing and violates the INA.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Enjoin Respondents from transferring Petitioner from the jurisdiction of this District pending resolution of these proceedings;

c. Enjoin Respondent's from removing Petitioner from the United States pending resolution of these proceedings;

d. Issue a writ of habeas corpus requiring that Respondents release Petitioner from custody immediately; or

e. Issue a writ of habeas corpus requiring Petitioner be provided with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 7 days at which the government shall bear the burden of establishing that Petitioner is either a danger or a flight risk;

f. Enjoin Respondents from rearresting or detaining Petitioner absent significant change in circumstances to justify detention;

g. Declare that 8 U.S.C. § 1226(a)—and not 8 U.S.C. § 1225(b)(2)(A) — is the appropriate statutory provision that governs Petitioner's detention and eligibility for bond because Petitioner is not a recent arrival "seeking admission" to the United States, and instead was already residing in the United States when apprehended and charged as inadmissible for having allegedly entered the United States without inspection;

h. Award Petitioner 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

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

Respectfully submitted this 6th day of March, 2026.

/s/ GLENN ERIC SPROULL
GLENN ERIC SPROULL (IL 6276310)
Palmer Rey PLLC
29566 Northwestern Hwy, Suite 200
Southfield, MI 48034
(248) 522-9500
eric@palmerrey.com
Attorney for Petitioner

Certificate of Service

I certify that on March 6, 2026, I electronically filed the foregoing *PETITION FOR WRIT OF HABEAS CORPUS* with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted this 6th day of March, 2026.

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