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

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| **Jose Diaz Salcido**<br>Petitioner<br><br>v.<br><br>**Kevin Raycraft**, Acting Director of Detroit Field Office, U.S. Immigration and Customs Enforcement; **Todd Lyons**, Acting Director, U.S. Immigration and Customs Enforcement; **Kristi Noem**, Secretary of the U.S. Department of Homeland Security; **Warden** of the North Lake Correctional Facility<br>Respondents | **PETITION FOR WRIT OF HABEAS CORPUS** |

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## INTRODUCTION

1. Petitioner, Jose Diaz Salcido (Mr. Diaz Salcido), is a forty-four-old Mexican Citizen, who is eligible for Cancelation of Removal pursuant INA § 240A(b).
2. Petitioner`s Alien Number is A[redacted]
3. Cancelation of Removal is a form of relief for certain non-permanent residents, whose immediate family will suffer hardship on the case for their removal from the United States.
4. Mr. Diaz Salcido is married to a United States Citizen (Mrs. Monica Noyola) since September 27th, 2022.

5. The Government previously had detained Mr. Diaz Salcido under the "No Bond Policy", in which the Government argued that Mr. Diaz Salcido was an applicant for admission under 8 U.S.C. § 1225(b)(2).
6. The Petitioner then sought relief by filing on November 14th, 2025, a Petition for Writ of Habeas Corpus pursuant 8 U.S.C. § 2241 with this very same Honorable U.S. District Court, the matter was docketed as Diaz Salcido v. Raycraft 1:25-cv-01453-JMB-SJB (W.D. MI).
7. On December 4th, the Honorable Court rejected the Government`s arguments and ordered that the Petitioner be provided a Custody Hearing under 8 U.S.C. § 1226(a).
8. Please be noted that the "No Bond Policy", formally named "Interim Guidance Regarding Detention Authority for Applicants for Admission" has been found to be illegal under the Administrative Procedure Act as not in accordance with law. 5 U.S.C. § 706(2)(A), this policy was vacated on December 18th, 2025. See Maldonado Bautista v. Noem, et al. 5:25-cv-01873-SSS-BFM (C.D. CA). This same also vacated the Matter of Yajure-Hurtado under the same APA violation on February 18th, 2026.
9. On December 10th, 2025, a Custody Hearing was held at the Detroit Immigration Court, in which Counsel for the Petitioner provided extensive documentation regarding the Petitioner`s non-existent flight risk nor dangerousness to the community, as he has no crimes and is married to an United States Citizen for an extensive period of time and has pending relief before the Immigration Court.
10. Nonetheless, during the hearing that was ordered by the Honorable U.S. District Court, a hearing in which the Government had the burden of proof and yet provided zero evidence but oral arguments, the Immigration Judge found Mr. Diaz Salcido to be at "significant flight risk", please be noted that the Petitioner had provided extensive evidence for the hearing,

summing over a hundred and eighty pages, please also be noted that on the Removal Proceedings, the Petitioner had provided over five hundred pages of extensive evidence for relief.

11. On December 29th, 2025, the Petitioner appealed the denial of his Bond to the Board of Immigration Appeals (BIA), and to this date no action has being taken by the Board.
12. This case should be considered as virtually indistinct from Maya Ramirez v. Lynch 1:25-cv-1800 (W.D. MI).
13. On Maya Ramirez v. Lynch, this Honorable Court ordered a second Custody Hearing in light of the clear violations of the orders, and this Court found that the hearing that was provided was non-compliant to the order, given that the Petitioner in Maya Ramirez had his bond also denied under "flight risk" with no evidence provided by the party that had the burden, the Government.
14. Petitioner Mr. Diaz Salcido, hence, seeks the very same relief as conceded to Maya Ramirez, a fair hearing, or his immediate release.

## JURISDICTION

15. This instant action is rooted in the United States Constitution and the Immigration and Nationality Act (INA).
16. This Honorable court has jurisdiction over this matter under 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (Federal Question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause)

**VENUE**

17. Venue is proper because the petitioner is currently detained at the North Lake Correctional Facility, located at 1805 W 32nd Street, Baldwin, MI 49304, therefore, the Petitioner remains detained in the Western District of Michigan.

**REQUIREMENTS SET FORTH ON 28 U.S. U.S.C. § 2243**

18. The Honorable Court must grant this instant petition for writ of habeas corpus or issue an order to show-cause to the respondents "forthwith", unless the petitioner is not entitled to relief, 28 U.S.C § 2243. If an order to show cause is issued, the Honorable Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed"

**PARTIES AND FACTS ALLEGED**

19. The Petitioner, Mr. Diaz Salcido, upon information provided by ICE, is currently detained at the Plymouth County Correctional Facility.
20. Respondent Kevin Raycraft is sued in his official capacity as the Acting Director of the Detroit Field Office for U.S. Immigration and Customs Enforcement (ICE).
21. Respondent Todd Lyons is sued in his capacity as the Acting Director for the U.S. Immigration and Customs Enforcement (ICE).
22. Respondent Kristi Noem is sued in her capacity as the Secretary of the U.S. Department of Homeland Security (DHS).

23. Respondent Warden is sued in his capacity as the Warden of the North Lake Correctional Facility.

24. All respondents are named in their official capacities.

## CLAIMS FOR RELIEF

### COUNT ONE

### Violation of Fifth Amendment Right to Due Process Clause

25. Petitioner incorporates by reference all preceding paragraphs.

26. The Fifth Amendment provided that "no person shall be deprived of life, liberty, or property without due process of law"

27. "[t]he Due Process clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary or permanent" *Zadvydas v. Davis*, 533 U.S. 693 (2001)

28. Petitioner detention without consideration for release on bond is a clear violation of his rights under the Due Process Clause of the Fifth Amendment.

### COUNT TWO

### Violation of U.S. District Court Order

29. Petitioner incorporates by reference all preceding paragraphs.

30. This Honorable Court's Order of December 4, 2025, required a custody hearing under 8 U.S.C. § 1226(a). Implicit in this order is the requirement of a meaningful hearing that comports with Due Process.

31. Due Process requires that when the Government seeks to deprive an individual of their liberty, the Government must bear the burden of proof by clear and convincing evidence.
32. By finding "significant flight risk" despite the Government producing zero evidence and the Petitioner producing over 180 pages of contrary evidence, the Immigration Judge (IJ) rendered the hearing a sham.
33. Consequently, the Government has failed to comply with this Court's mandate, as the "hearing" provided was a procedural nullity.

**COUNT THREE**

**Violation of 8 U.S.C. § 1226(a) Unlawful Denial of Release on Bond and Fifth Amendment**

34. Petitioner incorporates by reference all preceding paragraphs.
35. In Maya Ramirez v. Lynch, this Court recognized that a hearing where the Government provides no evidence while the Petitioner provides extensive documentation of community ties, and still denied bond, constitutes an unlawful shift of the burden of proof.
36. In the instant case, the IJ disregarded the extensive documentation, and by doing so, the IJ virtually shifted the Burden of Proof to the Petitioner, given that in a fair hearing, a party that bears the burden and yet shows no proof nor evidence, is unlikely to succeed, and hence, the Government did not provided the Petitioner with a fair hearing.
37. This shift violates the statutory requirements of 8 U.S.C. § 1226(a) and the Petitioner's Fifth Amendment right to liberty, as wells as violates the U.S. District Court`s Order on Diaz Salcido v. Raycraft 1:25-cv-01453-JMB-SJB (W.D. MI).

**PRAYER FOR RELIEF**

1) Wherefore, Petitioner respectfully requests this Court to grant the following:
2) Assume jurisdiction over this matter;
3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
4) Order that Defendants not remove Petitioner from the State of Michigan;
5) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment as well as the relevant statute and regulations governing detention of noncitizens;
6) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
8) Grant any further relief this Court deems just and proper.

Respectfully Submitted,

Franklin David Garcia Guaman
Petitioner

By and through undersigned counsel.

/s/ Stephen A. Lagana Dated: March 9th, 2026

Stephen A. Lagana, Esq.
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**VERIFICATION PURSUANT TO 28 U.S.C. §. 2242**

I represent Petitioner, **Jose Diaz Salcido** and submit this verification on his behalf. I hereby 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.

/s/ Stephen A. Lagana Dated: March 9th, 2026

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