UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

ANDRII FORYS, Petitioner, vs. **KEVIN RAYCRAFT, in his official capacity as Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement;** **KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY;** Respondents.	Case No.: **1:26-cv-00782** **PETITION FOR WRIT OF HABEAS CORPUS**

PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

1. Petitioner, Andrii Forys, [hereinafter, "Petitioner"], by and through undersigned counsel, petitions this Honorable Court for a Writ of Habeas Corpus to remedy his unlawful detention because the Immigration Judge improperly denied bond by incorrectly finding that Petitioner was a flight risk. In support thereof, Petitioner, states as follows:

I. CUSTODY

2. Petitioner is in the physical custody of the United States Immigration and Customs Enforcement ("ICE") detained at North Lake Processing Center in Baldwin, Michigan. ICE has contracted with the North Lake Processing Center to detain individuals in ICE custody. Petitioner is under the direct control of Respondents and their agents.

II. JURISDICTION AND VENUE

3. This case arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq., and the Administrative Procedures Act ("APA"), 5 U.S.C. §701 et seq. This Court has jurisdiction in this action under 28 U.S.C. §§ 2241(a) and (c)(1) and (3); U.S. CONST. art. I, §9, cl. 2 (the "Suspension Clause"); and 28 U.S.C. § 1331, as Petitioner is presently in custody under the authority of the United States, and such custody is in violation of the Constitution and laws of the United States.

4. The 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.

5. Further, this Court has jurisdiction under 28 U.S.C. § 2241 to review constitutional as well as statutory issues. See *Hernandez-Lara v. Lyons*, 10 F.4th 19, 33 (1st Cir. 2021).

6. The Writ of Habeas Corpus "is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action." *Harris v. Nelson*, 394 U.S. 286, 290 (1969). The power of this Court's inquiry on federal habeas corpus review is plenary. *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001); *Townsend v. Sain*, 372 U.S. 293, 312 (1963). "District courts retain jurisdiction over challenges to the legality of detention in the immigration context." *Aguilar v. U.S. Immigration & Customs Enforcement Div. of Dep't of Homeland Sec.*, 510 F.3d 1, 11 (1st Cir. 2007).

7. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the Western District of Michigan, the judicial district in which Petitioner currently is detained.

8. 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 occurred in Baldwin—housed in the Western District of Michigan.

III. PARTIES

9. Petitioner is a citizen of Ukraine who has been in immigration detention since on or around October 30, 2025. After arresting Petitioner, ICE did not set bond, and Petitioner is unable to obtain review of his custody by an Immigration Judge, pursuant to the Board's decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

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

11. Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (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.

IV. EXHAUSTION

12. There is no statutory exhaustion requirement under 28 U.S.C. § 2241. Habeas protections have been recognized by the Court as fundamental to individual liberty. See e.g., *Boumediene v. Bush*, 553 U.S. 723, 740-46 (2008).

V. STATEMENT OF RELEVANT FACTS

13. Petitioner has continuously resided in the United States since September 26, 2023.

14. On October 30, 2025, Petitioner was arrested by immigration officers. Petitioner was subsequently transferred to the North Lake Processing Center in Baldwin, Michigan, where he remains detained.

15. The Petitioner was arrested even though he was paroled into the country under the Uniting for Ukraine program (U4U) and his renewals was pending with USCIS at the moment of his arrest.

16. Crucially, there is no evidence that an 'examining immigration officer' determined that Petitioner was not clearly and beyond a doubt entitled to be admitted as required to trigger mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Instead, he was processed as an interior apprehension.

17. Upon information and belief, Petitioner has no criminal record in or out of the U.S.

18. Different counsel filed a Habeas Petition in January 2026, based on belief that the Immigration Judge would determine he does not have jurisdiction to hold a Bond hearing in his case because Petitioner is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b).

19. On February 25, 2026, the Habeas Petition was granted, and Judge Beckering ordered that Petitioner be provided a bond hearing before an Immigration Judge, pursuant to 8 U.S.C. § 1226(a). Per the Judge's Order, a bond hearing was held on March 4, 2026.

20. During the bond hearing, the Government did not submit any evidence in

regards to Respondent being a flight risk or a danger. The Immigration Judge conducted an immigration hearing where the Petitioner had no real opportunity and there was not a meaningful analysis of the arguments provided by the Petitioner's counsel. The immigration judge denied Petitioner's bond as instructed by the Respondents **(Exhibit A, B and C)**.

21. Although the Government failed to submit any evidence to meet its burden of proving by clear and convincing evidence that the Petitioner poses a flight risk, it argued that 1) The Petitioner's recent entry and 2) the absence of immigration relief deemed him a flight risk. The Petitioner's Counsel argued that the absence of immigration relief was because his U4U re-parole was pending, but the detention was impeding USCIS to get the Petitioner's biometric information (required to proceed with the application). The Immigration Judge ignored this explanation and denied bond without further considerations, as instructed. **(Exhibit A, B and C)**.

VI. LEGAL FRAMEWORK

22. Individuals detained pursuant to § 1226(a) are entitled to custody redetermination hearings, or bond hearings. 8 U.S.C. § 1226(a) (2025); 8 C.F.R. § 236(d)(1).

23. Although the Sixth Circuit has not yet issued a published decision directly setting the Government's burden at an immigration bond hearing, due process requires that the Government bear the burden of proving that continued detention is justified. Courts in other circuits confirm that the Government must prove by clear and convincing evidence that a detainee poses a danger to the community, and must provide at least a meaningful, individualized evidentiary showing that the detainee is a flight risk (*Singh v.*

Holder, 638 F.3d 1196 (9th Cir. 2011); *Hernandez-Lara v. Lyons*, 10 F.4th 19 (1st Cir. 2021); *Velasco-Lopez v. Decker*, 2d Cir. 2020). The Government cannot rely solely on prior removals, unlawful entry, or generalized assertions of flight risk. Applying these principles in the Western District of Michigan, where immigration judges follow Sixth Circuit guidance on due process (*Garcia v. Barr*, 969 F.3d 129 (6th Cir. 2020)), continued detention of the petitioner without an individualized bond hearing meeting this burden violates the Due Process Clause, and immediate habeas relief is warranted.

24. Here, the decision from the Detroit Immigration Court held that the fact that Petitioner entered the USA in 2023 and the context of his family ties somehow establishes that he is a flight risk, even though Petitioner has proper work documentation, letters from his surroundings of high moral character and establishing a reliable work history. Even though the IJ argued of the absence of immigration relief, the Petitioner's counsel explained the Petitioner's complicated immigration situation. Here, the flight risk finding was held arguably in an attempt to deny Petitioner relief, even with a granted habeas petition.

25. Here, the correct legal standard required the IJ to find that the government could not show by preponderance of the evidence that Petitioner is a flight risk. The IJ determined that Petitioner was a "flight risk," and denied bond as a result, based only on the Petitioner entering the USA in 2023 and the absence of immigration relief. That determination was an error as a matter of law. See *Alvarez Puerta*, No. 1:25-cv 108; *Diaz Calderon v. Barr*, 535 F.Supp.3d 669, 681 (E.D. Mich. 2020) ("Accordingly, the police report upon which the Respondents rely was properly considered by the Immigration Judge, but the standard required by the case law, that unproved allegations should be assigned little weight in determining Petitioner's dangerousness, was not applied correctly. To have relied so heavily on a matter that must only be given little weight as the basis for meeting a "clear and convincing" standard of evidence is not consistent with due process.").

VII. CAUSE OF ACTION

Count One – Violation of the Due Process Clause of the Fifth Amendment of the United States Constitution

29. Petitioner realleges and incorporates by reference each allegation contained above.

30. Petitioner entering the USA in 2023 and allege absence of relief does not meet the bar for considering the Petitioner as a flight risk. Especially considering the evidence provided by the Petitioner's counsel, which referred to his family and community ties. Regarding the IJ's consideration of the Petitioner's . Furthermore, a hearing where the Petitioner particular circumstances are not listened or considered do not adjust to the standards of due process rights set forth in the Fifth Amendment.

VIII. PRAYER FOR RELIEF

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

1. Assume jurisdiction over the matter;

2. Order Respondents to show cause why the Writ should not be granted within three days;

3. Declare that Petitioner's detention violates the Due Process Clause of the Fifth amendment of the U.S. Constitution;

4. Grant a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody;

5. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

6. Grant such further relief as this Court deems just and proper.

Respectfully submitted,
Nazly Mamedova

By: */s/ Nazly Mamedova*
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Dated: 03/10/2026

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2026, *Petitioner's Petition for Writ of Habeas Corpus* was filed with the Court Clerk via ECF system e-filing system which will give notice of such filing to all parties of record.

/s/ Nazly Mamedova
Nazly Mamedova