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CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: JJ 3-10

PROSE

ARRESTED

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

JHOLBER JHONEY MELEAN GUTIERREZ (A# [redacted],
Petitioner,Prose

v.

DIRECTOR OF NORTH LAKE CORRECTIONAL CENTER, ICE FIELD DIRECTOR (DETROIT),

Defendants.

Case No: _____

1:26-cv-763
Robert J. Jonker - U.S. District Judge
Phillip J. Green - Magistrate Judge

PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

I. INTRODUCTION

The Petitioner, **JHOLBER JHONEY MELEAN GUTIERREZ,** a national of Venezuela, files this petition to challenge his prolonged and arbitrary detention by Immigration and Customs Enforcement (ICE). Mr. Melean Gutierrez was lawfully admitted to the United States under **Parole (DT)** on October 13, 2024. Despite complying with legal requirements, not posing a danger to society, and having deep family ties in Michigan (including a minor child), he remains detained, which violates his due process rights under the Fifth Amendment and the Immigration and Nationality Act (INA).

II. JURISDICTION AND COMPETENCE

This Court has jurisdiction over the present matter under **28 U.S.C. § 2241** (Habeas Corpus), as well as under the Suspension Clause of the U.S. Constitution. Venue is proper in this District because Petitioner is physically detained at the **North Lake Correctional Center** in Baldwin, Michigan, in the custody of Defendants within this judicial district.

III. PARTIES

1. **Petitioner:** Jholber Jhoney Melean Gutierrez, currently in ICE custody in North Lake, Michigan.
2. **Defendants:** The Director of the North Lake Correctional Center (immediate custodian) and the ICE Field Director in Detroit, who have legal authority over the Petitioner's detention.

IV. RELEVANT FACTS

1. The Petitioner is a citizen of **Venezuela** born on [redacted]
2. On October 13, 2024, the Petitioner presented himself at the **San Ysidro, California** Port of Entry, where he was inspected and admitted by CBP under **Parole DT** status (pursuant to section 212(d)(5)(A) of the INA).
3. The Petitioner has a Master Hearing scheduled for **March 17, 2026** before Judge Karensh, Ellen.
4. **Family Ties:** The Petitioner resides in Michigan with his wife, **Orangelica Prieto**, and their 3-year-old son, [redacted]. His family depends entirely on him and they are currently in a vulnerable situation due to his detention.
5. The Petitioner has no criminal record that would make him or her a threat to national security or public safety.

V. GROUNDS (GROUNDS) FOR THE APPEAL

1. **Violation of Due Process (Fifth Amendment):** The Petitioner's detention is punitive and arbitrary. Having been admitted with Parole, there is a presumption of freedom that the government has ignored without individualized justification.
2. **Violation of the INA:** The prolonged detention of an asylum seeker with lawful entry (Parole) who poses no flight risk or danger defeats the purpose of immigration law.
3. **Precedent Maldonado-Bautista v. Santa Cruz:** The Petitioner is a member of the class identified in this litigation, which establishes that detainees are entitled to

a fair bail assessment and not to be held indefinitely when there are alternatives to detention and strong family ties.

VI. REQUEST FOR REMEDY

For the reasons set forth above, the Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this petition.
2. Order the immediate release of the Petitioner under supervision or, failing that, order a bond hearing before an Immigration Judge where the government must demonstrate by clear and convincing evidence that detention is necessary.
3. Prohibit the Petitioner's transfer outside the jurisdiction of this Court while this petition is being resolved.

I THEREFORE REQUEST THAT THE TRIBUNAL:

Grant the writ of Habeas Corpus, order my release or bond, and such other relief as the Court deems just and proper.

DECLARATION UNDER PENALTY OF PERJURY (28 U.S.C. § 1746)

I, **JHOLBER JHONEY MELEAN GUTIERREZ,** declare under penalty of perjury, under the laws of the United States of America, that the information contained in this Petition for Writ of Habeas Corpus is true and correct to the best of my knowledge.

Executed on: 03/02/2026

Petitioner's Signature: 

JHOLBER JHONEY MELEAN GUTIERREZ

A# [redacted]

North Lake Correctional Facility

1805 West 32nd St, Baldwin, MI 49304

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(CERTIFICATE OF SERVICE)

I, **Jholber Jhoney Melean Gutierrez**, certify that on 03/02/2026, I sent a copy of the above documents (Habeas Corpus, Motion for Non-Removal, Motion for Bond) by first class mail to the following address:

U.S. Attorney's Office
Western District of Michigan
P.O. Box 208
Grand Rapids, MI 49501

Company: Jholber
Date: 03/02/2026