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

GUZMARINA SUGEY CASTELLANO-MANZANO,

Petitioner,

v.

KEVIN RAYCRAFT, in his official capacity as 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; Pamela BONDI, in her official capacity as U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; Angela DUNBAR, in her official capacity as Warden of the North Lake Correctional Facility

Respondents.

Case No.

Hon.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This petition arises from the sudden, warrantless re-detention of Petitioner by ICE agents on February 11, 2026.

2. Petitioner is a citizen of Venezuela and a resident of Detroit, Michigan. She entered the United States through the CBP One program at a designated port of entry approximately two years ago and has lived here ever since. On February 11, 2026, at approximately 8:30 a.m., ICE agents in unmarked vehicles followed Petitioner while she drove her two children to school. After she dropped them off, agents initiated a vehicle stop near Vinewood and Hancock in Detroit, arrested her without a warrant, and transported her to the Detroit ICE Field Office. The agents failed to present any warrant or documentation, did not adequately identify themselves, and did not provide any explanation for the arrest. This seizure violated 8 U.S.C. § 1357(a)(2), 8 C.F.R. § 287.8, Section 236 of the INA, and the Fourth and Fifth Amendments.

3. Petitioner is currently detained at the North Lake Correctional Facility in Baldwin, Michigan, a privately owned, for-profit facility operated by GEO Group.

4. Petitioner entered through CBP One pursuant to a grant of parole and has lived openly in the United States for approximately two years. She has a valid work permit, supports four children, has no criminal history, pays taxes, and has a pending asylum application.

5. On February 11, 2026, ICE re-detained Petitioner without prior notice that her parole would be terminated, without a written decision explaining the basis for parole termination or re-detention, and without any opportunity, before or shortly after arrest, to contest her loss of liberty before a neutral decisionmaker. 8 C.F.R. § 212.5(e)(2)(i) requires written notice to the noncitizen for a parole termination to be effective. The

absence of notice and process renders Petitioner's re-arrest and continued detention unlawful under the INA and the Fifth Amendment.

6. Petitioner therefore seeks a writ of habeas corpus ordering her immediate release and barring re-detention absent leave of this Court. In the alternative, she seeks an order requiring constitutionally adequate notice and a meaningful opportunity to be heard before any future detention, and a prompt, constitutionally adequate bond hearing at which the government bears the burden of justifying continued detention.

7. ICE officers stopped and arrested Petitioner without the "reason to believe" and "likely to escape" predicates that § 1357(a)(2) requires, and in a manner that violated 8 C.F.R. § 287.8. Because Respondents failed to comply with statutory and regulatory arrest prerequisites, they never obtained lawful custody of Petitioner under the INA.

8. Petitioner is thus "in custody in violation of the Constitution or laws of the United States" under 28 U.S.C. § 2241(c)(3). The appropriate remedy where custody itself lacks any lawful statutory basis is immediate release. In addition, Petitioner's continued detention rests on a new, unlawful no-bond policy that misreads the INA and decades of agency practice by treating long-term residents charged under 8 U.S.C. § 1182(a)(6)(A)(i) as mandatorily detained under § 1225(b)(2)(A), without bond, rather than bond-eligible under § 1226(a).

9. But for this new policy, Petitioner would have received an individualized bond hearing before an Immigration Judge and an opportunity for release under § 1226(a), as similarly situated noncitizens did for decades.

10. On July 8, 2025, ICE, in coordination with DOJ, issued a policy instructing officers not to apply § 1226(a) to individuals charged under § 1182(a)(6)(A)(i); instead, they are to be treated as "arriving" and subject to mandatory detention without bond under § 1225(b)(2)(A), regardless of how long they have lived in the United States.

11. On September 5, 2025, the BIA adopted that view in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, holding that Immigration Judges lack authority to redetermine custody for such noncitizens.

12. Because BIA precedent is binding on IJs, Immigration Judges now routinely decline jurisdiction over bond requests from individuals like Petitioner and deny hearings solely on the basis of this policy.

13. As a result, Petitioner faces months or years in civil detention, separated from her family and community, without any individualized custody determination, in violation of the INA and the Fifth Amendment.

14. Both the ultra vires re-detention and the misapplication of the INA render Petitioner's present custody unlawful. Immediate release is the only remedy that meaningfully cures these violations.

15. Petitioner is terrified and experiencing severe psychological harm from confinement. She has never before been incarcerated.

16. Respondents' new no-bond interpretation is flatly inconsistent with the INA's text, implementing regulations, and decades of practice applying § 1226(a) to people like

Petitioner. It also violates due process by depriving her of liberty with no consideration of flight risk, dangerousness, or less restrictive alternatives.

17. When courts have found that a noncitizen has been detained in violation of due process, they have ordered release. See, e.g., Mata Velasquez v. Kurzdorfer, No. 25-CV-493-LJV (W.D.N.Y. July 16, 2025).

18. Petitioner therefore asks this Court to grant the writ and order her immediate release. In the alternative, she seeks an order requiring Respondents to provide a bond hearing under § 1226(a) within three (3) days at which the government bears the burden of justifying continued detention.

JURISDICTION

19. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3), (c)(5); 28 U.S.C. § 1331; and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

20. This Court may grant relief under 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

21. Venue is proper in the Western District of Michigan under 28 U.S.C. §§ 2241 and 1391 because Petitioner is detained at North Lake Correctional Facility within this District at the direction of, and in the immediate custody of, Respondent Raycraft. See Roman v. Ashcroft, 340 F.3d 314, 320–21 (6th Cir. 2003).

22. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are federal officers and agencies, and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

23. Under 28 U.S.C. § 2243, the Court must grant the writ or order Respondents to show cause "forthwith," unless it appears from the application that Petitioner is not entitled to relief. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed."

24. Habeas corpus is "perhaps the most important writ known to the constitutional law," affording "a swift and imperative remedy in all cases of illegal restraint or confinement." Fay v. Noia, 372 U.S. 391, 400 (1963). The application "usurps the attention and displaces the calendar of the judge" and must "receive[] prompt action." Yong v. INS, 208 F.3d 1116, 1120 (9th Cir. 2000).

PARTIES

25. Petitioner is a citizen of Venezuela, a resident of Detroit, Michigan, and has been detained since February 11, 2026.

26. Respondent Kevin Raycraft is the Field Office Director of ICE's Enforcement and Removal Operations in Detroit and is Petitioner's immediate custodian. He is sued in his official capacity

27. Respondent Kristi Noem is the Secretary of the Department of Homeland Security and has ultimate responsibility for implementation and enforcement of the INA, including ICE detention. She is sued in her official capacity.

28. Respondent Department of Homeland Security is the federal agency charged with implementing and enforcing the INA, including detention and removal of noncitizens.

29. Respondent Pamela Bondi is the Attorney General of the United States and head of the Department of Justice, which oversees the Executive Office for Immigration Review (EOIR). She is sued in her official capacity.

30. Respondent EOIR is the DOJ component responsible for administering removal proceedings and custody redeterminations in bond hearings.

31. Respondent Angela Dunbar is the warden of the North Lake Correctional Facility, where the Petitioner is detained by ICE. The North Lake Correctional Facility hold immigration detainees pursuant to a contract with ICE.

FACTS

32. Petitioner has resided in the United States for approximately two years and lives in Detroit, Michigan. She is thirty-seven years old.

33. Petitioner maintains a stable address, supports her household and four children through DoorDash delivery work under a valid employment authorization document, has no criminal history, has paid taxes, holds a valid Social Security number, and has a pending asylum application.

34. On information and belief, Petitioner has complied with all conditions of her parole, including attending all scheduled hearings and check-ins, consistent with "conditional parole" arrangements discussed in Martinez v. Hyde, 792 F. Supp. 3d 211 (D. Mass. 2025).

35. DHS did not notify Petitioner in advance that it intended to terminate her parole.

36. Petitioner received no written notice of parole termination, no contemporaneous written decision explaining the reasons for termination or re-detention, and no opportunity before or shortly after arrest to contest her loss of liberty before a neutral decisionmaker.

37. Petitioner's sudden re-detention has caused serious harm, including profound anxiety, insomnia, and fear of physical and psychological abuse in detention, despite her prior full compliance and lack of any criminal record.

38. Petitioner is neither a flight risk nor a danger to the community.

LEGAL FRAMEWORK

A. Detention is Ultra Vires Under the INA and Must End

39. The government may detain a noncitizen before a final removal order only as expressly authorized by the INA and only when custody flows from a statutorily valid arrest. Section 236 provides that "[1]n a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed," and permits continued detention or release on bond or conditional parole under that lawful custody. 8 U.S.C. § 1226(a).

40. Section 287(a)(2) permits a warrantless immigration arrest only if the officer "has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest" and requires prompt examination without unnecessary delay. 8 U.S.C. § 1357(a)(2).

41. Regulations implement these limits. 8 C.F.R. § 287.8 requires reasonable suspicion for stops, "reason to believe" (probable cause) for arrests, and prohibits enforcement actions based on race, ethnicity, or other impermissible factors. Custody and bond regulations at

8 C.F.R. § 236.1 presume a valid arrest before ICE may issue a custody determination and set or deny bond.

42. Taken together, these provisions make clear that civil immigration detention is lawful only when it is the continuation of a lawful arrest carried out within the bounds of § 1357 and its regulations.

43. Petitioner's custody does not satisfy these prerequisites. She was stopped and arrested without a warrant issued by the Attorney General and based solely on impermissible factors.

44. ICE officers lacked "reason to believe" that Petitioner was in violation of the immigration laws and lacked any non-speculative basis to conclude she would "likely . . . escape before a warrant can be obtained." 8 U.S.C. § 1357(a)(2).

45. The stop and arrest also violated 8 C.F.R. § 287.8 because agents acted without reasonable suspicion or probable cause and on impermissible factors.

46. An arrest that exceeds § 1357(a)(2) and § 287.8 is ultra vires. It is not an arrest "on a warrant issued by the Attorney General" nor otherwise within the ambit of § 1226(a), and cannot supply a lawful predicate for civil detention.

47. Because Respondents never obtained lawful custody under the INA, they lack authority to "continue to detain" Petitioner or deny her release under § 1226. See 8 U.S.C. § 1226(a)(1)–(2); 8 C.F.R. § 236.1.

48. Petitioner is therefore "in custody in violation of the Constitution or laws . . . of the United States" within the meaning of 28 U.S.C. § 2241(c)(3), both because her seizure violated the Fourth and Fifth Amendments and because it contravened the INA's carefully cabined arrest and detention scheme.

49. Habeas is the proper vehicle to remedy such ultra vires confinement, and where, as here, custody has no lawful statutory basis, the only adequate remedy is immediate release from civil immigration detention.

B. Petitioner's Detention Violates Due Process

50. The Fifth Amendment provides that no person may be deprived of liberty without due process of law. U.S. Const. amend. V. Due process requires notice and an opportunity to be heard "at a meaningful time and in a meaningful manner." Mathews v. Eldridge, 424 U.S. 319, 333 (1976).

51. Noncitizens who have been released on parole possess a protected interest in their continued liberty. See Young v. Harper, 520 U.S. 143, 147 (1997). Federal regulations further require written notice to the noncitizen before parole termination becomes effective. 8 C.F.R. § 212.5(e)(2)(i).

52. Petitioner was arrested and detained before receiving any written notice that her parole had been revoked. Because her parole had not been properly terminated at the time of arrest, Respondents lacked authority to take her into custody.

53. The interest in freedom from physical restraint is one of the most fundamental liberty interests protected by the Constitution. See Black v. Decker, 103 F.4th 133, 151 (2d Cir. 2024).

54. Here, Petitioner was re-detained approximately two years after being paroled into the United States without prior notice, without a showing of changed circumstances, and without any meaningful opportunity to challenge the deprivation of her liberty. This failure to provide notice and an opportunity to be heard violates the Fifth Amendment and renders her detention unlawful.

55. Because Respondents re-arrested and detained Petitioner without properly terminating her parole and without providing the process required by the Constitution, her continued custody is unlawful. The appropriate remedy under 28 U.S.C. § 2241 is immediate release from detention.

C. Petitioner's Detention Without a Bond Hearing Violates the INA and the Fifth Amendment

56. As an independent basis for relief, Petitioner's detention violates the INA and due process because Respondents are denying her a bond hearing under the correct statutory provision.

57. The INA provides several detention authorities for noncitizens in removal proceedings. Under 8 U.S.C. § 1226(a), individuals who are already present in the United States and placed in removal proceedings may be detained pending a removal decision but are generally entitled to a bond hearing before an Immigration Judge. See 8 C.F.R. §§ 1003.19(a), 1236.1(d); Jennings v. Rodriguez, 583 U.S. 281, 289 (2018).

58. By contrast, 8 U.S.C. § 1225(b)(2) governs certain recent arrivals seeking admission at the Nation's borders or ports of entry and requires mandatory detention during inspection proceedings. See Jennings v. Rodriguez, 583 U.S. at 287–89.

59. For decades, individuals like Petitioner—who had been living in the United States and were later placed in removal proceedings—were detained, if at all, under § 1226(a) and therefore received a custody determination before an Immigration Judge.

60. Respondents now assert that Petitioner is subject to mandatory detention under § 1225(b)(2) rather than bond-eligible detention under § 1226(a). This position departs

from long-standing statutory interpretation and denies Petitioner the custody hearing the INA contemplates for individuals in her circumstances.

61. Because Respondents' classification of Petitioner under § 1225(b)(2) is the direct result of their unlawful termination of her parole and re-detention without due process, her continued detention without a bond hearing violates the INA and the Constitution.

62. Accordingly, Petitioner's ongoing custody is unlawful, and the appropriate remedy under 28 U.S.C. § 2241 is immediate release from detention

Respectfully submitted,

By: /s/

Counsel for Petitioner

Marva De Armas (P80061)

Dated: March 11, 2026

PROOF OF SERVICE

I hereby certify that on March 11, 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.

By: /s/

Attorney for Petitioner

Marva De Armas (P80061)