UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EBRAHIM ABDULMALEK ABDU GHABESHA,
A# [redacted]
Petitioner,

v.

Angela Dunbar, WARDEN, NORTH LAKE CORRECTIONAL FACILITY;
Kevin Raycraft, ICE DETROIT FIELD OFFICE DIRECTOR;
Todd M. Lyons, ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
Markwayne Mullin, Acting SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY; and
Pamela Bondi, ATTORNEY GENERAL OF THE UNITED STATES; and
Daren K. Margolin, DIRECTOR, EXECUTIVE OFFICE OF IMMIGRATION REVIEW, U.S. DEPARTMENT OF JUSTICE.
in their official capacities

Respondents.

Case No. _____

Hon. _____

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241, COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, AND REQUEST FOR EXPEDITED CONSIDERATION

INTRODUCTION

Petitioner seeks habeas, declaratory, and injunctive relief from his continued unlawful detention. Specifically, he seeks relief under 28 U.S.C. § 2241, a declaration that his detention violates the Fifth Amendment and 8 U.S.C. § 1226(a), expedited consideration, and an order requiring his immediate release or, at minimum, a constitutionally adequate bond hearing.

Petitioner Ebrahim Abdulmalek Abdu Ghabesha respectfully petitions for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the legality of his continued detention under 8 U.S.C. § 1226(a). This Court has jurisdiction because federal courts may grant habeas relief to persons held under federal authority in violation of the Constitution or laws of the United States. 28 U.S.C. § 2241(c)(1), (3).

Although § 1226(a) permits detention during removal proceedings, such detention must comport with due process and remain reasonably related to its immigration purpose. Petitioner's detention no longer does. He has already received a bond hearing, but that hearing was constitutionally defective. On January 8, 2026, the Immigration Judge denied bond after expressly finding Petitioner "a flight risk by a preponderance of evidence" and "a danger to the community by clear and convincing evidence." (Ex. B at 1.) A § 1226(a) detention order cannot constitutionally rest on a lesser burden for flight risk. Recent Western District of Michigan authority holds that due process requires the Government to justify continued detention by clear and convincing evidence. See Soto-Medina v. Lynch, No. 1:25-cv-1704, slip op. at 18–20 (W.D. Mich. Jan. 21, 2026); Admin. Order No. 26-CA-005 (W.D. Mich. Jan. 20, 2026).

The defect in the bond ruling is compounded by the absence of any presently scheduled master calendar hearing or individual merits hearing. As of the filing of this Petition, no master calendar hearing or individual merits hearing is presently scheduled. His detention therefore is not meaningfully tethered to prompt adjudication of his case. Instead, he remains incarcerated after an improper bond denial and without any concrete hearing schedule to move the proceedings forward.

This Petition is necessary not simply because bond was denied, but because Petitioner remains detained after a constitutionally deficient bond hearing, on an incomplete and misleading account of the underlying Detroit incident, and without any presently scheduled master calendar or individual merits hearing. Under the Fifth Amendment, continued detention in those circumstances is arbitrary, unreasonable, and unlawful.

JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. §§ 2241 and 2243 because Petitioner is in federal immigration custody and challenges that custody as violative of the Constitution and laws of the United States. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under federal law and the Fifth Amendment to the United States Constitution.
2. Venue is proper in the Western District of Michigan because Petitioner is detained in Baldwin, Michigan, within this District. ICE records filed with EOIR identify Petitioner's place of detention as Northlake Correctional Facility, 1805 W. 32nd Street, Baldwin, Michigan 49304. (Ex. A at 6.) The Western District has also recognized that North Lake detainee habeas cases raising the burden-of-proof issue under § 1226(a) are related and should be assigned consistently because they present the same recurring constitutional question. See Admin. Order No. 26-CA-005 (W.D. Mich. Jan. 20, 2026).

PARTIES

3. **Petitioner Ebrahim Abdulmalek Abdu Ghabesha** is a noncitizen presently detained by U.S. Immigration and Customs Enforcement at the North Lake Correctional Facility in Baldwin, Michigan.

4. **Respondent Angela Dunbar** is the Warden of North Lake Correctional Facility. She is sued in her official capacity and is a proper respondent because Petitioner is confined at that facility and she is the immediate custodian.
5. **Respondent Kevin Raycraft** is the ICE Detroit Field Office Director. He is sued in his official capacity and is a proper respondent because he exercises legal authority over Petitioner's immigration custody.
6. **Respondent Todd M. Lyons** is the Acting Director of U.S. Immigration and Customs Enforcement. He is sued in his official capacity and is a proper respondent because ICE is the agency responsible for Petitioner's detention.
7. **Respondent Markwayne Mullin** is the Acting Secretary of the U.S. Department of Homeland Security. He is sued in his official capacity and is a proper respondent because DHS is the department ultimately responsible for Petitioner's immigration detention and custody decisions.
8. **Respondent Pamela Bondi** is the Attorney General of the United States. She is sued in her official capacity because the Department of Justice oversees the Executive Office for Immigration Review, under which Petitioner's removal proceedings are conducted.
9. **Respondent Daren K. Margolin** is the Director of the Executive Office for Immigration Review, U.S. Department of Justice. He is sued in his official capacity because EOIR is the agency responsible for administering Petitioner's immigration court proceedings.

FACTUAL BACKGROUND

Unless otherwise indicated, citations to exhibits refer to Exhibits A through F filed contemporaneously with this Petition.

10. Petitioner lawfully entered the United States on January 1, 2025, at New York, New York, on a B-2 visa. DHS records reflect that he was admitted at New York, New York

on January 1, 2025, and identity and lawful-entry documents corroborate that admission. (Ex. A at 2; Ex. E.) USCIS reflected receipt of his asylum application on January 19, 2025, and he thereafter had a pending asylum case. (Ex. F.)

11. On December 9, 2025, Detroit police responded to an altercation at 3701 W. Davison Street in Detroit. The reporting officer recorded that Petitioner stated he had been assaulted by the store clerk, that officers observed blood on Petitioner's face, and that video showed the clerk pushing Petitioner, taking the bat, and punching Petitioner in the face. (Ex. C at 5.) Later Detroit records reflected that prosecution was declined and the matter was exceptionally cleared. (Ex. C at 1.) Detective follow-up materials likewise reflected that the clerk admitted pushing and striking Petitioner and stated that Petitioner did not assault him. (Ex. C at highlighted 21.)
12. Petitioner was detained by DHS on December 12, 2025, and requested immigration-judge review of custody. (Ex. A at 1.) Michigan State Police ICHAT results showed no matching criminal record for Petitioner. (Ex. D.) On January 8, 2026, the Immigration Judge denied bond. The written order expressly states that the court found Petitioner "a flight risk by a preponderance of evidence and a danger to the community by clear and convincing evidence." (Ex. B at 1.) Petitioner appealed that bond ruling to the Board of Immigration Appeals, challenging the flight-risk and danger findings, including the failure to account for his lawful entry, pending asylum case, lack of matching criminal history, and exculpatory local records. (Exs. C–F.)
13. Notwithstanding that bond appeal and his continued detention, as of the filing of this Petition no master calendar hearing or individual merits hearing is presently scheduled.

His confinement therefore continues after an improper bond denial and without any meaningful merits-hearing timetable.

LEGAL FRAMEWORK

14. Under 8 U.S.C. § 1226(a), DHS may arrest and detain a noncitizen pending a decision on removal, but it may also release the person on bond or conditional parole. The implementing regulation, 8 C.F.R. § 236.1, reflects the agency's release-and-custody framework.

15. The Supreme Court has recognized that immigration detention is civil, not punitive, and is permissible only insofar as it remains reasonably related to its legitimate purpose. Demore v. Kim, 538 U.S. 510, 527–30 (2003). In Zadvydas v. Davis, 533 U.S. 678, 690 (2001), the Court held that once detention no longer bears a reasonable relation to its purpose, serious due process concerns arise. And in Jennings v. Rodriguez, 583 U.S. 281, 296 (2018), the Court rejected a statutory reading that would automatically require periodic bond hearings but left constitutional challenges to detention procedures for ordinary judicial review.

16. The governing procedural due process framework comes from Mathews v. Eldridge, 424 U.S. 319, 335 (1976), which requires consideration of the private liberty interest at stake, the risk of erroneous deprivation under the procedures used, and the government's competing interests. Applying that framework in immigration-detention cases, courts have increasingly held that due process requires the Government, not the detainee, to justify continued detention where liberty is at stake. See Hernandez-Lara v. Lyons, 10 F.4th 19, 39–41 (1st Cir. 2021); Velasco Lopez v. Decker, 978 F.3d 842, 856–57 (2d Cir. 2020).

17. Most importantly here, the Western District of Michigan has now squarely held in the North Lake detainee context that due process requires the Government to bear the burden of proving by clear and convincing evidence that continued detention under § 1226(a) is justified. See Soto-Medina v. Lynch, No. 1:25-cv-1704, slip op. at 18–20 (W.D. Mich. Jan. 21, 2026). The court's subsequent administrative order confirms that all later-filed cases raising the issue of who bears the burden of proof at a bond hearing under § 1226(a) are to be assigned to Judge Beckering because the issue is recurring and common. See Admin. Order No. 26-CA-005 (W.D. Mich. Jan. 20, 2026).

COUNT I

VIOLATION OF PROCEDURAL DUE PROCESS: IMPROPER BURDEN OF PROOF AT BOND HEARING

18. Petitioner incorporates by reference the preceding paragraphs as though fully set forth herein. Petitioner's custody redetermination hearing was constitutionally deficient because the Immigration Judge applied the wrong burden of proof. The written order expressly states that the court found Petitioner to be a flight risk only "by a preponderance of evidence." (Ex. B at 1.) That is not a harmless drafting error; it is the operative standard on the face of the order.
19. Under the Fifth Amendment, the Government may not continue to deprive a person of physical liberty through civil detention absent constitutionally sufficient procedures. Mathews requires heightened procedural protections where the private interest is freedom from physical restraint. See Mathews, 424 U.S. at 335. The liberty interest here is at its apex: Petitioner is incarcerated in an ICE facility, separated from family and community, and unable to secure release despite lawful entry and a pending asylum case. The risk of

error is equally high when detention turns on predictive judgments about danger and future appearance, especially if the adjudicator employs a reduced burden or places the burden on the detainee. The Government's interest in securing appearance and protecting the community is real, but those interests can be served through release conditions and a proper evidentiary burden. See Addington v. Texas, 441 U.S. 418, 427 (1979); United States v. Salerno, 481 U.S. 739, 751 (1987).

20. That is why the Western District of Michigan has required the Government to prove by clear and convincing evidence that continued detention is warranted under § 1226(a). See Soto-Medina, No. 1:25-cv-1704, slip op. at 18–20. Because the Immigration Judge used only a preponderance standard to find flight risk, the bond hearing failed to satisfy due process, and Petitioner's continued detention under that defective ruling is unlawful.

COUNT II

VIOLATION OF PROCEDURAL DUE PROCESS: RELIANCE ON AN INCOMPLETE AND MISLEADING RECORD

21. Petitioner incorporates by reference the preceding paragraphs as though fully set forth herein. The bond determination was also constitutionally unsound because it rested on an incomplete and misleading account of the December 2025 Detroit incident.

22. The official Detroit records do not support a simple dangerousness narrative. The police narrative states that Petitioner told officers he had been assaulted by the store clerk, that officers observed blood on Petitioner's face, and that the clerk then punched Petitioner in the face after taking the bat from him. (Ex. C at 5.) Later Detroit records reflected that prosecution was declined and the matter was exceptionally cleared. (Ex. C at 1.) Detective follow-up materials recorded that the clerk admitted pushing and striking

Petitioner and stated that Petitioner did not assault him. (Ex. C at 21.) Michigan State Police ICHAT results likewise showed no matching criminal record for Petitioner. (Ex. D.)

23. Due process requires a meaningful opportunity to be heard at a meaningful time and in a meaningful manner. See Mathews, 424 U.S. at 333. A detention decision premised on an incomplete or distorted account of the only alleged incident of dangerousness cannot satisfy that standard. Where the local prosecutor declined charges, the matter was exceptionally cleared, and the police materials themselves reflect injury to Petitioner and facts consistent with him being the assaulted party, continued detention on a danger rationale is constitutionally suspect.

COUNT III

CONTINUED DETENTION IS ARBITRARY BECAUSE PETITIONER HAS NO PROMPT MERITS HEARING SCHEDULE

24. Petitioner incorporates by reference the preceding paragraphs as though fully set forth herein. Even apart from the defective bond ruling, Petitioner's continued detention is unlawful because it is no longer meaningfully tied to prompt adjudication of his removal case. He has already been denied bond, remains confined, and yet as of the filing of this Petition no master calendar hearing or individual merits hearing is presently scheduled.
25. Civil immigration detention is permissible only insofar as it bears a reasonable relation to its purpose. Demore upheld detention in the context of ongoing removal proceedings as part of a relatively brief and advancing process. 538 U.S. at 529–30. Zadvydas teaches that when detention ceases to be reasonably connected to its asserted objective, due process is offended. 533 U.S. at 690. Here, Petitioner's confinement continues after a

constitutionally defective bond denial and without a concrete hearing schedule moving his case toward resolution. That combination makes the detention arbitrary.

26. This is especially true because Petitioner's case includes substantial equities that directly undermine the rationale for continued incarceration: lawful entry (Ex. A at 2; Ex. E), a pending asylum application (Ex. F), requested review of custody (Ex. A at 1), no matching Michigan criminal history (Ex. D), and official Detroit records showing that prosecution was declined and the matter was exceptionally cleared. (Ex. C at 1.) In the absence of a constitutionally adequate custody determination and in the absence of prompt merits scheduling, habeas relief is warranted.

EXHAUSTION

27. To the extent Respondents argue exhaustion, any exhaustion requirement here is prudential rather than jurisdictional. Petitioner did file a BIA appeal from the bond ruling. But this Petition raises constitutional defects in the detention process itself, including the burden of proof required by due process and the legality of continued detention in the absence of prompt merits progression. Federal habeas under § 2241 remains available for such claims. See Shearson v. Holder, 725 F.3d 588, 593–94 (6th Cir. 2013); Soto-Medina, No. 1:25-cv-1704, slip op. at 5–8. Moreover, requiring Petitioner to await further administrative delay while he remains confined would defeat the purpose of habeas as a prompt remedy for unlawful physical restraint.

PRAYER FOR RELIEF

For these reasons, Petitioner respectfully requests that this Court:

1. assume jurisdiction over this Petition under 28 U.S.C. §§ 2241, 2243, and 1331;

2. issue a writ of habeas corpus and declare that Petitioner's continued detention violates the Fifth Amendment and 8 U.S.C. § 1226(a);
3. set an expedited schedule and order Petitioner's immediate release, or in the alternative order Respondents to provide a new bond hearing within five business days;
4. require that at any new bond hearing, the Government bear the burden of proving by clear and convincing evidence that Petitioner is a danger to the community or a flight risk;
5. require that any new custody determination be made on a complete and reliable record, including the Detroit records reflecting that Petitioner reported being assaulted, officers observed blood on his face, prosecution was declined, and the matter was exceptionally cleared;
6. enjoin Respondents from transferring Petitioner outside this District during the pendency of this action absent prior notice to the Court; and
7. grant such other and further relief as the Court deems just and proper.

Certificate of Service

I hereby certify that on this 11th day of March, 2026, I electronically filed the foregoing Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241, Complaint for Declaratory and Injunctive Relief, and Request for Expedited Consideration with the Clerk of the Court using the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/ Farah Hobballah

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