UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREA YOVANNY CHICA RAMIREZ

Petitioner,

Case No. 1:26-cv-799

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

ORAL ARGUMENT REQUESTED

KEVIN RAYCRAFT, Acting Field Director for U.S. Immigration and Customs Enforcement, Detroit Field Office, in his official capacity; KRISTI NOEM, Secretary, U.S. Department of Homeland Security; PAMELA BONDI, U.S. Attorney General.

Respondents.

INTRODUCTION

1. This petition arises from the sudden, inexplicable, and illegal re-detention of Petitioner by ICE as he was driving to work.
2. Petitioner is a citizen of Colombia, asylum seeker, and resident of Michigan who was arrested by ICE agents on January 23, 2026.
3. He is currently detained in Baldwin, Michigan at the GEO North Lake Processing Center, a privately-owned detention facility.
4. In December 2024, Petitioner crossed the southern border, was detained and charged by CPB agents, ordered to appear in immigration court in Detroit November 2025, and released on his own recognizance after he demonstrated to an immigration official that he was neither a danger to the community nor a flight risk.
5. But Petitioner was subsequently re-detained more than two years later without notice or

an opportunity be heard and without any reason or any changed circumstances.

6. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released from custody and be provided with notice and an opportunity to be heard before being re-detained.

JURISDICTION

7. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus); 28 U.S.C. § 1331 (federal question); and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

8. This 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.

VENUE

9. Venue is proper in the Western District of Michigan under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. Petitioner is detained at the direction, and is in the immediate custody, of Respondent Kevin Raycraft. *See Roman v. Ashcroft*, 340 F.3d 314, 320-21 (6th Cir. 2003).

10. 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 and relevant facts occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an

order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

12. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

13. Petitioner is a citizen of Colombia and resident of Michigan. He is currently detained in Baldwin, Michigan in this district.
14. Respondent Kevin Raycraft is the Acting Director of the Detroit Field Office of ICE's Enforcement and Removal Operations division. As such, Acting Director Raycraft is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.
15. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the 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.
16. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review (EOIR) and the immigration system it operates is a component agency. She is sued in her official capacity.

FACTS

17. Petitioner arrived in the United States on or about December 31, 2023. He was detained and charged as being present in the United States without being admitted or paroled.

18. Petitioner has a timely filed asylum application and work authorization.

19. He was then released into the United States on his own recognizance, a "form of conditional parole." *Martinez v. Hyde*, 792 F. Supp. 3d 211 (D. Mass. 2025).

20. Per regulations, release on recognizance is only permissible after the noncitizen has convinced an immigration official that he is not a flight risk and is not a danger to the community. 8 C.F.R. § 236.1(c)(8).

21. He was not given notice of his parole revocation prior to his re-detention in January 2026.

22. On information and belief, Respondents made no individualized determination regarding whether the conditions of his release had been violated or whether there was a changed circumstance warranting his re-detention. There is no rhyme or reason to his re-detention after already convincing an immigration official he was neither a flight risk nor a danger to the community almost three years ago.

23. In fact, the only changes that have occurred are that he has proven he is not a danger and his ties to the community have grown since 2023. He has filed for asylum, received work authorization, and has family in the United States.

24. Petitioner is not flight risk nor a danger to his community.

LEGAL FRAMEWORK

A. Petitioner's Re-Detention Violates the Fifth Amendment

25. Individuals who have been conditionally released from detention have a protected interest in their "continued liberty." *Herrera v. Tate*, No. H-25-3364, 2025 U.S. Dist. LEXIS

189999, at *31 (S.D. Tex. Sep. 26, 2025) (quoting *Young v. Harper*, 520 U.S. 143, 147, (1997).

26. Petitioner's re-detention, almost two years after being paroled into the United States from an initial detention, was without prior notice, a showing of changed circumstances, or a meaningful opportunity to object, and therefore he was not afforded the procedural requirements of the Fifth Amendment. *See, e.g., Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 U.S. Dist. LEXIS 156344, at *36 (D. Ariz. Aug. 11, 2025); *Rosales-Garcia v. Holland*, 322 F.3d 386, 409 (6th Cir. 2003) ("Excludable aliens—like all aliens—are clearly protected by the Due Process Clauses of the Fifth and Fourteenth Amendments."), *citing Yick Wo v. Hopkins*, 118 U.S. 356, 6 S. Ct. 1064, 30 L. Ed. 220 (1886).
27. The government therefore does not have the authority to arrest a noncitizen who has been granted parole without properly terminating that parole. *Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 U.S. Dist. LEXIS 135986, at *26 (W.D.N.Y. July 16, 2025); *Y-Z-L-H v. Bostock*, 2025 U.S. Dist. LEXIS 130216, 2025 WL 1898025, at *13 (D. Or. July 9, 2025), or unless there is some other valid reason to arrest him.
28. Due process then "requires a hearing before an immigration judge before re-detention. *Mejia v. Woosley*, Civil Action No. 4:25-cv-82-RGJ, 2025 U.S. Dist. LEXIS 203256, at *11 (W.D. Ky. Oct. 15, 2025) (internal citation and internal quotation marks omitted).
29. Moreover, given that Respondent's already determined that Petitioner was not a flight risk or danger to the community almost two years ago, the lack of due process leading to his re-arrest is especially problematic.

CLAIMS FOR RELIEF

COUNT I

Re-Detention Violation of Due Process

30. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

31. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

32. Petitioner has a fundamental interest in liberty and being free from official restraint.

33. Petitioner acquired a further liberty interest after being released from his initial detention. He has been free to work, live, and pursue his asylum application for the last two years.

34. Petitioner's re-detention without a pre-arrest hearing violates his right to due process.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Issue a writ of habeas corpus requiring that Respondents release Petitioner from custody immediately and provide notice and a hearing before an immigration judge prior to re-detaining Petitioner;

c. Enjoin Respondents from transferring the Petitioner from the jurisdiction of this District pending these proceedings and from re-arresting Petitioner absent a material change in circumstances warranting a custody re-determination;

d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

e. Grant any other and further relief that this Court deems just and proper.

Dated: March 11, 2026

Respectfully submitted,

/s/ Michael Drew

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have either independently confirmed the events described in this Petition and Complaint or discussed the events with Petitioner's sister. On the basis of those discussions and my own investigation, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

/s/ Michael Drew

Attorney for Petitioner