UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARLOS ANDRES GARZON-QUINONES

Petitioner,

Case No. 1:26-cv-801

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 agents which violated his due process rights under the Fifth Amendment.
2. Petitioner is a citizen of Venezuela, asylum seeker, and resident of Michigan who was arrested by ICE agents on March 2, 2026. He is married and has two children, including a newborn U.S. citizen baby.
3. He is currently detained in Baldwin, Michigan at the GEO North Lake Processing Center, a privately-owned detention facility.
4. In August 2023, Petitioner crossed the southern border, was detained and charged by CPB agents, ordered to appear in immigration in a year and a half, 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. Release on recognizance is a form of conditional parole under 8 U.S.C. § 1226.
6. Petitioner thus gained a significant liberty interest in remaining free while his immigration case proceeds.
7. On information and belief, Petitioner did not violate any terms of his parole and there was no material change in circumstances regarding flight risk or danger to the community.
8. But Petitioner was subsequently re-detained more than two years later without notice or an opportunity be heard and without any reason – his due process rights were thus violated.
9. 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

10. 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).
11. 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

12. 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).

13. 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

14. 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.*

15. 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

16. Petitioner is a citizen of Venezuela and resident of Michigan. He is currently detained in Baldwin, Michigan in this district.

17. 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.

18. 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.

19. 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

20. Petitioner arrived in the United States on or about August 29, 2023. He was detained and charged as being present in the United States without being admitted or paroled.

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

22. 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).

23. 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).

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

25. 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.

26. 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.

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

LEGAL FRAMEWORK

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

28. 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).

29. 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).

30. 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.

31. 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).

32. 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

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

34. 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).

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

36. 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 almost three years.

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

38. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others 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 re-detaining Petitioner absent any material parole violations or change in circumstances relevant to his flight risk or danger;

d. Enjoin Respondents from transferring the Petitioner from the jurisdiction of this District pending these proceedings,

e. 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

f. 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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Attorneys for Petitioner

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 wife. 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