UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SALMAN ALI (A[redacted])	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	Case No. 26-cv-806
KRISTI NOEM, Secretary, U.S. Department of Homeland Security; KEVIN RAYCRAFT, Field Office Director, Detroit Field Office, Immigration and Customs Enforcement,	)	
	)	
Respondents.	)	

PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF

The Petitioner, SALMAN ALI, by and through his own and proper person and through his attorney, MAYA A. FLORES, of the LAW OFFICES OF KRIEZELMAN BURTON & ASSOCIATES, LLC, petitions this Honorable Court to issue a Writ of Habeas Corpus to review his unlawful detention in violation of his constitutional and statutory rights.

INTRODUCTION

1. On February 26, 2026, this Court ordered Respondents to provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a).
2. Petitioner's bond hearing was held before Immigration Judge ("IJ") James Graulich on March 3, 2026, at which Petitioner had the burden of proof. At that bond hearing, the government presented a Form I-213, alleging that, during an Intensive Supervision Appearance Program ("ISAP") appointment with ICE, Petitioner was arrested due to "multiple ATD violation[s]." Ex. A, Form I-213. The Form I-213 also alleges that Petitioner

failed a home visit on November 19, 2024 and missed a biometrics check-in on September 1, 2025. However, Petitioner maintains that he did not in fact miss a home visit on November 19, 2024. Notably, there are other discrepancies on the Form I-213, such as Petitioner "did not declare fear of being returned to Vietnam" despite being from Pakistan, and that he originally entered the United States in July 20, 2023, which questions the reliability of this document. The government provided no evidence besides the Form I-213 that Petitioner was a flight risk.

3. In support of bond, Petitioner had submitted proof of his pending asylum application, his work permit, evidence of his family in the U.S., proof of his fixed address, sponsor documentation assuring the court they would be responsible for ensuring Petitioner's attendance at all future hearings, as well as 9 good moral character letters from family, friends, and community members. The I-213 filed by the government also indicated that Petitioner has no criminal history in the U.S. Petitioner has been in the United States for over two years.
4. However, the IJ denied Petitioner's request for release on bond because he is a "flight risk. Multiple ATD violations." Ex. B, Order of Immigration Judge.
5. This does not comport with due process – the overwhelming weight of authority requires the government to prove, by clear and convincing evidence, that a noncitizen is a flight risk or danger to the community.
6. Petitioner respectfully requests this Court enter writ of habeas corpus ordering the immediate release of Petitioner or a new bond hearing that comports with the basic requirements of due process.

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.

9. In the context of immigration bond hearings, district courts can hear challenges to bond denials where "that bond denial is challenged as legally erroneous or unconstitutional." *Diaz-Calderon v. Barr*, 535 F. Supp. 3d 669, 676 (E.D. Mich. 2020); *see, also Ghanem v. Warden Essex County Correctional Facility*, No. 21-1908, 2022 U.S. App. LEXIS 5092, at *5 (3d Cir. Feb. 25, 2022) ("Although we lack jurisdiction to review any discretionary determinations underlying the IJ's bond decision, we may review whether the bond hearing was fundamentally unfair.")(unpublished).

10. Petitioner does not challenge the discretionary decision of the IJ to deny bond. Instead, Petitioner challenges the allocation of the burden of proof on himself rather than the government as violative of his procedural due process rights under the Fifth Amendment – i.e. as fundamentally unfair.

VENUE

11. 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 immediate custody, of Respondent Kevin Raycraft. *See Roman v. Ashcroft*, 340 F.3d 314, 320-21 (6th Cir. 2003).

12. 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

13. 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.*

14. 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

15. Petitioner SALMAN ALI is a citizen of Pakistan and resident of Baltimore, Maryland. He was arrested by ICE in the Baltimore area on January 15, 2026.

16. Respondent KEVIN RAYCRAFT is the Director of the Detroit Field Office of ICE's Enforcement and Removal Operations division. As such, Director Raycraft is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

17. 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.

FACTS

18. Petitioner SALMAN ALI is a native and citizen of Pakistan. He has been present in the United States since July 2024. He entered the U.S. without inspection and was later paroled into the U.S. after presenting himself to U.S. Border Patrol.

19. While in custody, Petitioner was found to demonstrate a credible fear of persecution or torture, vacating his expedited removal and placing him in regular removal proceedings pursuant to 8 U.S.C. § 1229a.

20. Upon his release, Petitioner was issued a parole document on September 16, 2024, which was valid for one year.

21. Petitioner timely filed for asylum in November 2024, when his parole status was still valid. His application for asylum remains pending with the court.

22. Petitioner is not a flight risk nor a danger to his community. He has no criminal history in the United States or any other country. He has a permanent address in Baltimore, Maryland, and has valid work authorization.

23. On March 3, 2025, Petitioner received a bond hearing ordered by this Court under 8 U.S.C. § 1226(a).

24. During that hearing, Petitioner argued and presented evidence that he was not a danger to the community or a flight risk because he had no criminal record, had been in the U.S. for over two years, has family in the U.S., has valid work authorization, has a pending asylum case, sponsor documents, and good moral character letters.

25. The government's only evidence was the Form I-213, stating Petitioner had multiple ATD violations.

26. Immigration Judge James Graulich denied bond based on a finding that Petitioner is a "flight risk" due to "Multiple ATD violations." Ex. B, Order of Immigration Judge.

27. Petitioner remains in ICE custody. His case remains pending before the Detroit Immigration Court.

LEGAL FRAMEWORK

28. The Sixth Circuit has held that the balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), regarding the adequacy of process, applies in the context of immigration detention. *See United States v. Silvestre-Gregorio*, 983 F.3d 848, 852 (6th Cir. 2020).

29. Under *Mathews,* courts balance three factors to determine whether a given process satisfies the Fifth Amendment:

> (1) the private interest at stake;
> (2) second, the risk of erroneous deprivation and the value, if any, of additional procedural safeguards;
> (3) and third, the government's countervailing interests.
>
> *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)).

30. When individuals have been illegally detained by ICE, courts have ordered their immediate release. *See Patel v. Tindall,* No. 3:25-CV-373-RGJ, 2025 WL 2823607, at *6 (W.D. Ky. Oct. 3, 2025); *Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565, at *7 (W.D. Ky. Sept. 19, 2025); *see also Roble v. Bondi*, No. 25-CV-3196 (LMP/LIB), 2025 WL 2443453, at *5 (D. Minn. Aug. 25, 2025). "Habeas has traditionally been a means to secure release from unlawful detention . . . ." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107 (2020).

31. In the alternative, courts have also concluded that the Fifth Amendment Due Process Clause requires the government to bear the burden of proof at immigration bond hearings because the potential loss of liberty is "so severe…he should not have to share the risk of error equally." *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 U.S. Dist. LEXIS 188232, at *35 (W.D. Tex. Sep. 21, 2025) (quoting *Santos v. Warden Pike County Correctional Facility*, 965 F.3d 203, 214 (3d Cir. 2020)).

32. Indeed, the "vast majority"—an "overwhelming consensus"—of courts have placed the burden on the Government to prove by clear and convincing evidence that the detainee poses a danger or flight risk in bond hearings under 8 U.S.C. § 1226(a). *Id.*

33. Petitioner is entitled to immediate release or, in the alternative, to a bond hearing before an immigration judge where the government bears the burden of proof by clear and convincing evidence that he is a flight risk or danger to the community.

CLAIMS FOR RELIEF

COUNT I
Violation of the Due Process Clause of the Fifth Amendment of the United States Constitution

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

35. 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).

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

37. Placing the burden of proof on the Petitioner to establish whether he is a flight risk or danger to others violated his right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this Honorable Court:

A. Maintain jurisdiction over this matter;

B. Issue a writ of habeas corpus requiring that Respondents release Petitioner from custody or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 3 days where the government bears the burden of proof by clear and convincing evidence that Petitioner is a flight risk or danger to the community;

C. Enjoin Respondents from transferring the Petitioner from the jurisdiction of this District pending these proceedings;

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 12, 2026

Respectfully Submitted,

/s/ Maya A. Flores

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