IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

Tahir Lemrabott,

Petitioner,

v.

Respondent, Todd Lyons, ***in his official capacity as Acting Director of Immigration and Customs Enforcement*****;**

Kristi Noem, ***in her official capacity as Secretary of the United States Department of Homeland Security;***

Pamela Bondi, ***in her official capacity as Attorney General of the United States***

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Respondents.

Civil Action No.: 26-cv-853

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR EMERGENCY RELIEF

Petition Tahir Lemrabott, by and through undersigned counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner seeks immediate release from immigration detention, or, in the alternative, an order requiring an individualized bond hearing within fourteen (14) days, at which the Government bears the burden of demonstrating by clear and convincing evidence that continued detention is warranted.

Petitioner further requests emergency relief in light of the expedited procedural posture of his removal proceedings, as the matter is scheduled for a Master hearing on March 26, 2026, leaving

undersigned counsel with insufficient time to adequately prepare, gather, and review relevant evidence, and ensure effective representation. Emergency relief is therefore necessary to prevent irreparable prejudice to Petitioner and to safeguard his statutory and constitutional rights.

JURISDICTION AND VENUE

1. **Jurisdiction:** This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 2241 and Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause) to adjudicate Petitioner's claim that his continued civil immigration detention violates the Due Process Clause of the Fifth Amendment. Petitioner is in custody under color of the laws of the United States and challenges the legality of that custody.
2. **2. Venue:** Venue is proper in the Western District of Michigan because Petitioner is detained within this District at the North Lake Correctional Facility in Baldwin, Michigan. Petitioner's immediate custodian, who exercises day-to-day control over his detention, is located within this District.

PARTIES

3. ***Petitioner*:** Tahir Lemrabott is a native and citizen of Mauritania who has been detained by U.S. Immigration and Customs Enforcement ("ICE") at the North Lake Correctional Facility since February 4, 2026. Petitioner is currently in removal proceedings. To date, Petitioner has not been provided an individualized bond hearing during his detention.
4. ***Respondent Todd M. Lyons, Acting Director of U.S. Immigration and Customs Enforcement:*** Respondent Todd M. Lyons, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement, is responsible for the administration,

supervision, and control of immigration detention and enforcement operations affecting Petitioner. He is sued in his official capacity only.

5. ***Respondent Kristi Noem***: Secretary Noem is sued in her official capacity as Secretary of the United States Department of Homeland Security (DHS), is responsible for the enforcement of the immigration laws of the United States, including the detention of noncitizen.

6. ***Respondent Pamela Bondi***: Attorney General Bondi, in her official capacity as Attorney General of the United States Department of Justice (DOJ), is the chief law enforcement officer of the federal government and oversees matters related to immigration courts and legal interpretations of immigration law.

FACTUAL BACKGROUND

7. Petitioner Tahir Lemrabott is a native and citizen of Mauritania who came to the United States fleeing persecution and seeking safety.

8. Petitioner applied for protection from removal based on a well-founded fear of persecution and torture in Mauritania.

9. Petitioner entered the United States on or about February 6, 2024, and thereafter sought protection under U.S. immigration law.

10. Petitioner applied for asylum, withholding of removal, and protection under the Convention Against Torture based on [redacted]

11. Following his entry and application for protection, Petitioner lived in the community while his immigration case was pending and did not pose a danger to the community or a flight risk.

12. Petitioner has no criminal history.

13. On February 4, 2026, Petitioner was apprehended by U.S. Immigration and Customs Enforcement ("ICE") when he was leaving his workplace at Amazon.

14. ICE detained Petitioner without providing any explanation or justification for the arrest and immediately took him into custody.

15. Following his arrest, ICE placed him in immigration detention, where he has remained in ICE custody pending the outcome of his removal proceedings.

16. Petitioner has remained detained despite the absence of any individualized determination that he presents a flight risk or danger to the community.

17. The petitioner has never been afforded an individualized bond hearing before an Immigration Judge to assess the necessity of his continued detention.

18. By detaining Petitioner without an individualized custody determination and without affording him a bond hearing, Respondents are acting in violation of federal immigration law and Petitioner's Fifth Amendment due process rights.

19. Accordingly, Petitioner files this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking relief from his unlawful detention.

20. Petitioner respectfully requests that this Court declare his detention unlawful and order Respondents to provide an immediate individualized bond hearing at which the Government bears the burden of justifying any further detention, or, in the alternative,

order Petitioner's immediate release and grant any additional relief the Court deems just and proper.

No Bond Hearing or Custody Determination Provided

21. Since being taken into ICE custody on February 4, 2025, Petitioner has been denied any meaningful opportunity to challenge the legality or necessity of his detention.

22. ICE's decision to re-detain Petitioner was made unilaterally, without advance notice and without any post-arrest custody hearing or review by a neutral decision-maker.

23. Petitioner was never informed of any specific factual basis for his renewed detention, such as evidence that he poses a flight risk or a danger to the community, nor was he permitted to present evidence or arguments in support of his release.

24. In short, no Immigration Judge or other neutral adjudicator has ever evaluated whether Petitioner's continued confinement is justified.

25. Under the statutory framework of the Immigration and Nationality Act, a noncitizen detained by ICE or re-detained after a prior release is ordinarily entitled to seek a custody redetermination, commonly referred to as a bond hearing, before an Immigration Judge. See 8 U.S.C. § 1226(a); 8 C.F.R. § 1003.19.

26. Section 1226(a) governs the detention of noncitizens who are already present in the United States and authorizes DHS to detain such individuals pending removal proceedings, while expressly permitting release on bond or conditional parole as determined by an Immigration Judge.

27. The applicable regulations likewise provide that when ICE initially sets no bond or withdraws a prior release, the detainee may, at any time before a final order of removal,

request modification of the conditions of custody, i.e., request a bond hearing. See 8 C.F.R. § 1003.19(a), (c); 8 C.F.R. § 1236.1(d).

28. Indeed, 8 C.F.R. § 1003.19(d) specifically contemplates circumstances such as Petitioner's, in which an individual who was previously released is later re-detained, and affirms that such individuals are ordinarily entitled to a bond hearing to assess whether continued detention is warranted.

29. In Petitioner's case, however, DHS and the Department of Justice have circumvented and effectively nullified this statutory and regulatory scheme.

30. By improperly classifying Petitioner as an "arriving alien," the Government asserts that the Immigration Court lacks jurisdiction to conduct a bond hearing.

31. Under 8 C.F.R. § 1003.19(h)(2)(i), Immigration Judges are barred from setting bond for individuals designated as "arriving aliens" seeking admission to the United States.

32. The Government is therefore treating Petitioner as if he were an arriving alien subject to mandatory detention under 8 U.S.C. § 1225(b), a provision that authorizes detention without bond hearings for certain applicants for admission.

33. As a consequence of this erroneous classification, Petitioner has been categorically denied any custody hearing whatsoever.

34. Since February 4, 2026, Petitioner has remained in detention without any opportunity to review his continued confinement with a neutral decision-maker to determine whether it is lawful or necessary.

35. Through counsel, Petitioner has exhausted all available avenues to secure his release or, at a minimum, obtain a custody determination.

36. Petitioner has requested that ICE reconsider his detention, acknowledge his eligibility for a bond hearing, or exercise its discretion to release him, but those requests have been ignored or summarily denied.

37. Because DHS maintains that Petitioner is categorically ineligible for any bond hearing, Petitioner has no administrative remedy available to challenge his detention.

38. Petitioner's only remaining recourse is to seek habeas corpus relief from this Court. Each additional day of detention without a hearing exacerbates the ongoing violation of Petitioner's statutory and constitutional rights.

Grounds for Relief

Count I: Unlawful Detention in Violation of the Immigration and Nationality Act (8 U.S.C. § 1226)

Petitioner's detention is governed by 8 U.S.C. § 1226—not § 1225—and Respondents' refusal to provide an individualized bond hearing contravenes the Immigration and Nationality Act.

39. Petitioner's continued detention is unlawful because Respondents are holding him pursuant to an inapplicable statutory authority.

40. Respondents purport to detain Petitioner under **8 U.S.C. § 1225(b)**, which governs the detention of certain "applicants for admission," commonly referred to as arriving aliens, and mandates detention without any opportunity for a bond hearing.

41. Petitioner's detention, however, is governed by 8 U.S.C. § 1226, the statute applicable to noncitizens who are already physically present in the United States and are detained pending the resolution of their removal proceedings.

42. Section 1226(a) authorizes DHS to arrest and detain a noncitizen during removal proceedings, but it also expressly permits release on bond or conditional parole while those proceedings remain pending.

43. Thus, § 1226 contemplates and requires individualized custody determinations, including bond hearings, whereas § 1225(b) categorically does not.

44. Because § 1226 governs Petitioner's custody, he is statutorily entitled to an individualized bond hearing, and Respondents' refusal to provide such a hearing violates the Immigration and Nationality Act.

45. The statutory framework is unambiguous.

46. The Immigration and Nationality Act establishes two distinct detention regimes for noncitizens in removal proceedings.

47. Section 1225(b) applies to "applicants for admission," typically individuals encountered at the border or at a port of entry who are seeking initial entry into the United States.

48. Under that provision, certain arriving aliens, including those placed in expedited removal proceedings or those who fail to establish credible claims, are subject to mandatory detention while their admissibility or protection claims are adjudicated.

49. Section 1225(b) does not authorize release on bond; the only potential avenue for release is discretionary parole under 8 U.S.C. § 1182(d)(5), which is limited to narrow humanitarian or public-interest circumstances.

50. By contrast, 8 U.S.C. § 1226 governs the detention of noncitizens who are already present inside the United States while removal proceedings are pending.

51. Section 1226 applies to any noncitizen "pending a decision on whether the alien is to be removed," including individuals who entered without inspection and those who were paroled into the country.

52. Critically, § 1226(a) expressly authorizes release on bond or conditional parole and thereby mandates individualized custody assessments.

53. In enacting § 1226, Congress granted the Executive discretion over custody determinations but simultaneously required that such determinations be made on an individualized basis.

54. Simply put, § 1226 allows for bond hearings; § 1225(b) does not.

55. Petitioner's circumstances fall squarely within the scope of § 1226, not § 1225.

56. Although Petitioner was not formally admitted at a port of entry, he has been physically present in the United States since February 6, 2024, under DHS supervision and with the government's authorization to remain in the community while his removal proceedings were pending.

57. Petitioner is not an arriving alien encountered at the border; rather, he is a noncitizen who resided in the United States for a substantial period and is now subject to ordinary removal proceedings.

58. Accordingly, § 1226 governs Petitioner's detention, and he is entitled to an individualized bond hearing under that statute.

59. Respondents cannot retroactively strip Petitioner of his statutory right to seek bond by artificially labeling him an "arriving alien" after permitting him to live freely in the United States for an extended period.

60. By refusing to provide any custody hearing, Respondents are acting in direct contravention of the INA and beyond the scope of their lawful authority.

61. The denial of a bond hearing in Petitioner's case is precisely the type of unlawful detention the INA was designed to prevent.

62. Respondents' continued reliance on 8 U.S.C. § 1225(b), a provision that does not apply to Petitioner's posture, is ultra vires and unlawful.

63. Petitioner's ongoing detention without any bond consideration, therefore, violates the INA on its face.

64. The appropriate remedy is an order requiring Respondents to provide Petitioner with the individualized custody redetermination hearing to which he is entitled under 8 U.S.C. § 1226(a).

Count II: Violation of the Fifth Amendment Due Process Clause

Respondents' continued detention of Petitioner without an individualized bond hearing or any meaningful opportunity to be heard violates the Due Process Clause of the Fifth Amendment.

65. By subjecting Petitioner to prolonged civil detention without affording him any meaningful opportunity to challenge the legality or necessity of his confinement, Respondents have violated Petitioner's rights under the Due Process Clause of the Fifth Amendment.

66. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law.

67. This protection extends to all persons within the United States. Noncitizens, no less than citizens, are entitled to due process when the Government restrains their physical liberty, and freedom from bodily restraint lies at the core of the liberty interests safeguarded by the Constitution.

68. At a minimum, procedural due process requires fair and meaningful procedures before the Government may deprive an individual of a significant liberty interest.

69. In the immigration detention context, due process generally requires an individualized opportunity to contest detention, typically through a hearing at which the Government must justify continued confinement based on legitimate factors such as flight risk or danger to the community, before a neutral decision-maker.

70. In Petitioner's case, no such process has been provided. ICE officers arrested Petitioner and placed him in custody without prior notice and without any post-arrest hearing or review.

71. Petitioner was never informed of the factual or legal basis for his sudden detention and was afforded no opportunity to rebut or address any alleged justification for confinement.

72. To date, Petitioner has not appeared before an Immigration Judge or any other neutral adjudicator to determine whether his continued detention is warranted.

73. This complete denial of any hearing or neutral review constitutes a clear violation of procedural due process.

74. Petitioner's detention also violates substantive due process, which protects individuals from arbitrary and unreasonable governmental action that infringes fundamental liberty interests, regardless of the procedures employed.

75. Detaining Petitioner without any individualized determination of necessity, despite his lack of a criminal record, his compliance with all immigration requirements, and the availability of less restrictive alternatives, constitutes an excessive and arbitrary deprivation of liberty.

76. Such detention is punitive in effect and so unjustified as to violate Petitioner's fundamental right to be free from unwarranted governmental restraint.

77. No legitimate governmental interest is served by continuing to detain Petitioner without, at a minimum, providing a hearing to assess whether detention is necessary.

78. In the absence of any demonstrated flight risk or danger concerns, Petitioner has never been permitted to contest the ongoing deprivation of his liberty cannot be constitutionally justified.

79. In sum, by imprisoning Petitioner and refusing to afford him any meaningful process to challenge his confinement, Respondents have engaged in conduct that offends fundamental principles of justice and violates the Fifth Amendment's guarantee of due process of law.

PRAYER FOR RELIEF

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

A. Declaratory Relief

Enter judgment declaring that Petitioner's continued detention without an individualized bond hearing violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment. Specifically, declare that Petitioner's detention is governed by 8 U.S.C. § 1226, not 8 U.S.C. § 1225; that Petitioner is legally entitled to an individualized custody redetermination hearing; and that Respondents' failure to provide such a hearing to date is unlawful.

B. Injunctive and Habeas Relief

Issue a writ of habeas corpus and/or appropriate injunctive relief directing Respondents to provide Petitioner with an individualized bond hearing within fourteen (14) days of the Court's order.

This expedited relief is necessary because Petitioner's immigration case is scheduled for a Master hearing on March 26, 2026, leaving undersigned counsel with insufficient time, absent

relief, to adequately prepare Petitioner for that hearing, gather and review evidence, and ensure effective representation. Emergency relief is therefore required to prevent irreparable prejudice to Petitioner and to safeguard his statutory and constitutional rights.

At the bond hearing, the Government shall bear the burden of proving, by clear and convincing evidence, that Petitioner's continued detention is necessary. If Respondents fail to provide such a hearing within the timeframe ordered by the Court, or if they fail to carry their burden, the Court should order Petitioner's immediate release under appropriate conditions of supervision.

C. Further Relief

Grant such other and further relief as the Court deems just and proper, including, if appropriate, Petitioner's immediate release from custody pending the resolution of his removal proceedings and any additional orders necessary to ensure compliance with this Court's judgment.

Dated: March 16, 2026.

Respectfully submitted,

/s/ Alhasan Mahmood
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VERIFICATION

I, the undersigned counsel, hereby certify and declare, pursuant to 28 U.S.C. § 2242, that I am counsel for Petitioner. Because Petitioner is incarcerated and unable to sign this petition at present, I am verifying the petition on his behalf. I verify that the factual statements made in the above petition are true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Date: January 7, 2026.

/s/ *Alhasan Mahmood*
Alhasan Mahmood