UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

CITLALY JUDYTH DELGADILLO ALONSO,

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;
Kristi Noem, 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. 1:26-cv-00879
Hon.

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

INTRODUCTION

This emergency habeas case arises from Respondents' unlawful detention of Petitioner without access to the discretionary custody process required by 8 U.S.C. § 1226(a). Petitioner is a 20-year-old woman from Mexico who entered the United States in October 2023 as a 17-year-old minor, has lived here for more than two years, has never been apprehended at the border, has no criminal convictions, and has strong ties to Michigan.

Petitioner's ties are substantial and immediate. Her mother recently obtained lawful permanent resident status. Her fiancé, Alberto Acuna, is a United States citizen residing in

Michigan, and they intend to marry. Petitioner was living in Michigan before this detention, speaks Spanish, and has every reason to remain in contact with counsel and appear for any immigration proceedings. Her fiancé, United States Citizen, Alberto Acuna is anticipating her return so that they may continue to plan their wedding together.

On or about March 10, 2026, local police stopped Petitioner during a traffic encounter in Michigan involving an alleged lack of a driver's license. Police then contacted ICE, and ICE took Petitioner into custody. The encounter did not involve violence, drugs, theft, or any offense remotely resembling the crimes that trigger mandatory detention under 8 U.S.C. § 1226(c).

Since seizing Petitioner, Respondents have not provided her with a constitutionally adequate custody determination or bond hearing. Upon information and belief, Respondents are detaining Petitioner, or imminently intend to detain her, under the government's post–July 8, 2025 policy that treats noncitizens charged with entry without inspection as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), notwithstanding their residence in the interior of the United States.

That position is contrary to the Immigration and Nationality Act, contrary to longstanding regulations and practice, and contrary to the overwhelming body of federal decisions—including repeated decisions from judges in the Western District of Michigan—holding that noncitizens like Petitioner are detained, if at all, under 8 U.S.C. § 1226(a) and therefore are eligible for release on bond or other conditions.

The emergency is acute. Petitioner was arrested only days ago. ICE may transfer her to a remote contract facility before counsel can obtain meaningful review, thereby impairing her access to counsel, complicating venue and custody questions, and inflicting irreparable harm that no later merits ruling can fully undo. The Court should preserve the status quo now.

Petitioner therefore seeks: (1) a writ of habeas corpus ordering her immediate release, or, in the alternative, a custody hearing under 8 U.S.C. § 1226(a) within five business days; (2) a temporary restraining order staying any transfer outside this Court's jurisdiction and any removal from the United States while this petition is pending; (3) an expedited schedule under 28 U.S.C. § 2243; and (4) special release instructions requiring coordination with counsel, return of all belongings and identification, and prohibiting GPS monitoring, ISAP enrollment, or other unilaterally imposed conditions not specifically ordered by the Court.

JURISDICTION

Petitioner is in the custody of Respondents and challenges that custody under 28 U.S.C. § 2241(c)(3) because it violates the Constitution and laws of the United States.

This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, Section 9, Clause 2 of the United States Constitution.

This Court may grant declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202, and may preserve its jurisdiction and the status quo under the All Writs Act, 28 U.S.C. § 1651.

VENUE

Venue is proper in this District because Petitioner is presently detained at North Lake Correctional Facility located in Baldwin, Michigan, within the Western District of Michigan. Alternatively, if Petitioner is in transit from ICE processing to an ICE contract facility within this District, venue is proper because the writ is directed to officials exercising present legal control over her custody and because a substantial part of the acts giving rise to these claims are occurring in this District.

Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are officers, employees, or agencies of the United States, and because the requested relief is directed at federal detention decisions and transfer decisions affecting Petitioner in Michigan.

REQUIREMENTS OF 28 U.S.C. § 2243

The Court should issue the writ or order Respondents to show cause "forthwith" unless it appears from the petition that Petitioner is not entitled to relief. 28 U.S.C. § 2243. If a return is ordered, the statute contemplates a response within three days unless additional time is allowed for good cause. Id. Habeas is a "swift and imperative remedy in all cases of illegal restraint or confinement." Fay v. Noia, 372 U.S. 391, 400 (1963).

PARTIES

Petitioner Citlaly Judyth Delgadillo Alonso is a noncitizen presently detained by U.S. Immigration and Customs Enforcement at the North Lake Correctional Facility in Baldwin, Michigan.

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.

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.

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.

Respondent Kristi Noem, Secretary of the U.S. Department of Homeland Security. She is sued in her official capacity and is a proper respondent because DHS is the department ultimately responsible for Petitioner's immigration detention and custody decisions.

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.

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.

FACTS

Petitioner entered the United States in approximately October 2023 without inspection. She was 17 years old at the time. She has not been apprehended at the border, has not previously been removed, and has not departed the United States since that entry.

Petitioner resided in Michigan immediately before detention. She has close family and community ties here. Her mother recently obtained lawful permanent resident status. Her fiancé, Alberto Acuna, is a United States citizen residing in Michigan. They intend to marry, and he stands ready to support Petitioner and ensure her appearance in court. Counsel can provide his contact information directly to ICE for release coordination.

Petitioner has no criminal convictions, no juvenile record, and no history of violence. The arrest that led to ICE custody arose from a traffic stop in Michigan on or about March 10, 2026, when police allegedly determined that she did not have a driver's license. Any related citation is minor and, to the extent it exists at all, does not trigger mandatory detention under 8 U.S.C. § 1226(c).

Police contacted ICE after the traffic stop. ICE then took Petitioner into custody. She is presently being held at Northlake Correctional Facility in Baldwin, MI and Respondents may transfer her at any time absent Court intervention.

Upon information and belief, ICE has served or will imminently serve Petitioner with a Form I-200 Warrant for Arrest of Alien and a Form I-862 Notice to Appear charging inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i) based on entry without inspection.

Petitioner has not received a bond hearing. No immigration judge has found her to be a danger or a flight risk. No neutral decisionmaker has determined that her civil detention is necessary. Respondents are simply holding her—or threatening to continue holding her—without the individualized process that the INA and Due Process Clause require.

Petitioner is neither a flight risk nor a danger to the community. She has significant family ties in Michigan, including a United States-citizen fiancé and a lawful-permanent-resident mother; she has no criminal history; she entered as a minor; and she has every incentive to pursue her immigration case through lawful channels rather than abscond. A less restrictive alternative to detention is plainly available.

Continued detention is causing Petitioner and her family immediate hardship. Her detention has already separated her from her fiancé and mother, disrupted her stability in Michigan, and created severe uncertainty about where she will be sent. Transfer to a remote facility would worsen those harms and impede attorney access, especially because Petitioner is a Spanish speaker and has only just secured counsel.

LAW

The INA establishes separate detention frameworks for different categories of noncitizens. As the Supreme Court has explained, 8 U.S.C. § 1226 governs detention of

noncitizens already in the country pending the outcome of removal proceedings, while 8 U.S.C. § 1225 governs inspection and detention of applicants for admission at the border or ports of entry. Jennings v. Rodriguez, 583 U.S. 281, 287–89 (2018).

For decades after IIRIRA, the government treated people who were living in the United States and later placed in removal proceedings for entry without inspection as detained under § 1226(a), not § 1225(b). That understanding was reflected in agency regulations, which explained that noncitizens "present without having been admitted or paroled (formerly referred to as aliens who entered without inspection)" are eligible for bond and bond redetermination. Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997).

On July 8, 2025, ICE announced a new policy claiming that all persons who ever entered without inspection are subject to mandatory detention under § 1225(b)(2)(A), even if they have been residing in the interior of the country for months or years. The Board of Immigration Appeals adopted that position in Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025).

Federal courts have overwhelmingly rejected that interpretation. Judges in the Western District of Michigan have repeatedly held that noncitizens encountered in the interior after living in the United States are detained under § 1226(a), not § 1225(b)(2)(A). See, e.g., Rodriguez Carmona v. Noem, No. 1:25-cv-1131, 2025 WL 2992222, at *6 (W.D. Mich. Oct. 24, 2025); Puerto-Hernandez v. Lynch, No. 1:25-cv-1097, 2025 WL 3012033, at *9 (W.D. Mich. Oct. 28, 2025); Cervantes Rodriguez v. Noem, No. 1:25-cv-1196, 2025 WL 3022212, at *6 (W.D. Mich. Oct. 29, 2025); Marin Garcia v. Noem, No. 1:25-cv-1271, 2025 WL 3017200, at *5 (W.D. Mich. Oct. 29, 2025); Ruiz Mejia v. Noem, No. 1:25-cv-1227, 2025 WL 3041827, at *5–6 (W.D. Mich. Oct. 31, 2025); De Jesus Ramirez v. Noem, No. 1:25-cv-1261, 2025 WL 3039266, at *5 (W.D.

Mich. Oct. 31, 2025); Escobar-Ruiz v. Raycraft, No. 1:25-cv-1232, 2025 WL 3039255, at *5 (W.D. Mich. Oct. 31, 2025); Salgado Mendoza v. Noem, No. 1:25-cv-1252, 2025 WL 3077589, at *6 (W.D. Mich. Nov. 4, 2025).

The same is true across Michigan more broadly. See Lopez-Campos v. Raycraft, 797 F. Supp. 3d 771, 784 (E.D. Mich. 2025); Pizarro Reyes v. Raycraft, No. 25-cv-12546, 2025 WL 2609425, at *8 (E.D. Mich. Sept. 9, 2025). Nothing about Petitioner's circumstances materially distinguishes her from the petitioners in those cases.

COUNT I – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

Petitioner realleges and incorporates by reference the preceding paragraphs. Respondents are unlawfully detaining Petitioner, or threatening to continue detaining her, without recognizing her eligibility for custody review under 8 U.S.C. § 1226(a).

Section 1225(b)(2)(A) does not apply to Petitioner because she was not apprehended upon arrival or while seeking admission at the border. She was living in the interior of the United States for more than two years when ICE seized her after a local traffic stop.

Because Petitioner's detention is governed by § 1226(a), Respondents' refusal to provide a bond determination or other discretionary custody review violates the INA.

COUNT II – VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

Petitioner realleges and incorporates by reference the preceding paragraphs. Freedom from physical detention lies at the core of the liberty protected by the Fifth Amendment. Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

Petitioner is being deprived of her liberty without any neutral, individualized determination that she is a danger or flight risk and without any meaningful opportunity to contest continued detention.

Because Petitioner has not received constitutionally adequate process before or promptly after her detention, Respondents' actions violate the Due Process Clause.

PRAYER FOR RELIEF

1. Assume jurisdiction over this matter and issue an order to show cause forthwith under 28 U.S.C. § 2243;

2. Enter a temporary restraining order immediately prohibiting Respondents from transferring Petitioner outside the Western District of Michigan—or, at a minimum, outside Michigan—without prior leave of Court, and prohibiting Respondents from removing Petitioner from the United States while this petition is pending;

3. Require Respondents to identify Petitioner's current detention location, the statutory basis for her detention, and to produce with their return any Form I-200, Form I-862, Form I-286, custody worksheet, parole determination, or other document on which they rely;

4. Grant the writ of habeas corpus and order Respondents to immediately release Petitioner from custody;

5. Alternatively, order Respondents to provide Petitioner a custody hearing under 8 U.S.C. § 1226(a) within five business days of the Court's order, with the burden on DHS to justify continued detention by clear and convincing evidence, consideration of ability to pay and alternatives to detention, and without invocation of the automatic-stay regulation, 8 C.F.R. § 1003.19(i)(2);

6. If the Court orders release, direct that release occur without GPS monitoring, ankle monitoring, ISAP enrollment, home confinement, or other extra conditions not specifically ordered by the Court; require Respondents to return all identification, personal property, money, and documents in their possession; require Respondents to coordinate release with

counsel and Petitioner's U.S.-citizen fiancé or another mutually agreeable sponsor; and require a declaration of compliance on the docket within 24 hours of release;

7. Declare that 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2)(A), governs Petitioner's detention;

8. Award fees and costs available under the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and

9. Grant such other and further relief as the Court deems just and proper.

March 17, 2026

Respectfully submitted,

/s/ Farah Hobballah
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Certificate of Service

I hereby certify that on March 17, 2026, I electronically filed the foregoing Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 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.

/s/ Farah Hobballah

Farah Hobballah

March 17, 2026