UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NOE RAMOS-VASQUEZ,
Petitioner,

Case No._____

Markwayne Mullin, Secretary of the Department of Homeland Security; **Pamela Bondi**, Attorney General of the U.S.; **Todd M. Lyons,** Acting Director U.S. Immigration and Customs Enforcement; **Kevin Raycraft**, ICE ERO Detroit Field Office Director; **Warden,** North Lake Processing Center
Respondents.

Hon. _____

_____/

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

Petitioner is a civil immigration detainee who has been held for months without any meaningful opportunity to challenge the legality of his detention. After living and working in the United States for nearly two years, Petitioner was arrested in an interior enforcement operation and placed into ICE custody. When he sought a custody determination, the Immigration Judge concluded that the court lacked jurisdiction to conduct a bond hearing and declined to evaluate whether Petitioner posed a danger or a risk of flight.

As a result, Petitioner remains detained without any individualized custody determination before a neutral decisionmaker.

The Constitution does not permit such detention. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 527–28 (2003). Civil immigration detention must bear a reasonable relation to its regulatory purpose and must be accompanied by adequate procedural safeguards. Where, as here, no mechanism exists to test the necessity of continued detention, habeas corpus provides the appropriate—and necessary—avenue for relief.

I. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody and challenges the legality of his detention under the Constitution and laws of the United States. *Jennings v. Rodriguez*, 583 U.S. 281, 291 (2018); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Venue is proper in the Western District of Michigan because Petitioner is detained at North Lake Correctional Facility in Baldwin, Michigan.

II. PARTIES

1. Petitioner **Noe Ramos Vasquez** is a citizen of El Salvador currently detained at North Lake Correctional Facility in Baldwin, Michigan.
2. Respondent **Warden of North Lake Correctional Facility** is the official responsible for Petitioner's physical custody.
3. Respondent **ICE Detroit Field Office Director** oversees immigration detention operations in the region that includes Michigan and exercises authority over decisions relating to Petitioner's detention.
4. Respondent **Director of U.S. Immigration and Customs Enforcement** has supervisory authority over ICE detention operations nationwide.
5. Respondent **Secretary of the Department of Homeland Security** oversees the federal agency responsible for immigration enforcement and detention.
6. Respondent **Attorney General of the United States** is responsible for the administration and enforcement of immigration laws through the Department of Justice and the Executive Office for Immigration Review.

III. CUSTODY STATUS

Petitioner is currently detained by U.S. Immigration and Customs Enforcement at North Lake Correctional Facility. His detention is civil in nature and is constitutionally permissible only insofar as it complies with due process.

Petitioner has remained continuously detained since approximately October 2025.

IV. FACTUAL BACKGROUND

Petitioner is a 44-year-old citizen of El Salvador with no criminal history whatsoever. DHS records confirm that he has never been arrested or convicted of any offense.

DHS encountered Petitioner at the border in December 2023 and subsequently released him into the United States on a Notice to Appear. See Form I-213. There is no indication in the record that Petitioner was granted parole or otherwise remained subject to detention under INA § 235. Instead, Petitioner was permitted to reside in the interior of the United States for nearly two years prior to his arrest.

During that time, Petitioner worked consistently as a laborer, including in the construction industry and at a restaurant in Arlington Heights, Illinois. He established meaningful ties to the community and maintained a stable and productive presence in the United States.

Petitioner has strong community support. A United States citizen sponsor has agreed to provide housing and ensure his compliance with all immigration proceedings upon release.

Petitioner has also filed an application for asylum and paid the required filing fee, further demonstrating his intent to pursue relief through the legal process.

In October 2025—nearly two years after his entry—Petitioner was arrested during an interior enforcement operation in Chicago and placed into ICE custody.

V. PROCEDURAL HISTORY

Following his detention, Petitioner requested a custody redetermination before the Immigration Court.

On March 12, 2026, the Immigration Judge denied Petitioner's request for a bond hearing, concluding that the court lacked jurisdiction because Petitioner was deemed an "applicant for admission" subject to detention under INA § 235(b).

As a result of that determination, the Immigration Court declined to conduct any individualized assessment of whether Petitioner posed a danger to the community or a risk of flight.

The Immigration Judge additionally stated, in the alternative, that Petitioner presented a risk of flight. However, that finding was made without any evidentiary hearing, testimony, or opportunity for Petitioner to respond.

Petitioner therefore remains detained without any meaningful opportunity to obtain a custody determination before a neutral decisionmaker.

VI. ARGUMENT

A. DHS Unlawfully Treats Petitioner as an "Arriving Alien" Under INA § 235

DHS seeks to treat a man who lived and worked openly in the United States for nearly two years as if he were still standing at the border seeking admission.

That classification is inconsistent with the statutory framework governing immigration detention.

INA § 235 governs applicants for admission at or near the time of entry. By contrast, INA § 236 governs detention of noncitizens who have been released into the interior of the United States and are later taken into custody.[1]

[1] See 8 U.S.C. §§ 1225(b), 1226(a).

Here, Petitioner entered the United States in December 2023 and was released into the country. He lived in the interior for nearly two years before being arrested in an interior enforcement action in Chicago. His detention therefore falls within § 236(a), not § 235.

The government's attempt to reclassify Petitioner as an "arriving alien" long after his release improperly expands § 235 beyond its statutory purpose and effectively eliminates any opportunity for custody review.[2] Having released Petitioner into the United States, DHS cannot later invoke § 235 to justify detention without a custody hearing.

B. Detention Without a Bond Hearing Violates Due Process

The Fifth Amendment prohibits the government from depriving any person of liberty without due process of law. Courts have consistently recognized that prolonged immigration detention without an individualized hearing raises serious constitutional concerns.

Civil immigration detention implicates a fundamental liberty interest and must be accompanied by adequate procedural safeguards.[3]

Due process requires a meaningful opportunity to be heard "at a meaningful time and in a meaningful manner."[4]

Applying the *Mathews* framework:

- **Private Interest:** Petitioner's interest in freedom from physical restraint is fundamental.[5]
- **Risk of Error:** The risk of erroneous deprivation is exceptionally high where detention is imposed without any hearing or factual development.

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[2] See *Jennings v. Rodriguez*, 583 U.S. 281, 293–94 (2018) (distinguishing detention frameworks under §§ 1225 and 1226).
[3] *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 527–28 (2003).
[4] *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).
[5] *Zadvydas*, 533 U.S. at 690 ("freedom from imprisonment lies at the core of the liberty protected by the Due Process Clause").

- **Government Interest:** The government's interest is limited to ensuring appearance and protecting the community—objectives that can be addressed through a bond hearing.

Because Petitioner has been denied any opportunity to obtain a custody determination, his detention lacks the procedural safeguards required by due process and is therefore unconstitutional.[6]

C. Habeas Relief Is Necessary Because No Alternative Mechanism Exists

Because the Immigration Court concluded that it lacked jurisdiction, no administrative mechanism exists through which Petitioner may challenge the legality of his detention. Habeas corpus remains the traditional and appropriate mechanism to test unlawful executive detention.[7]

Without judicial intervention, Petitioner will remain detained without any forum to challenge the necessity of his confinement.[8]

D. The Immigration Judge's Alternative Finding Does Not Cure the Constitutional Violation

The Immigration Judge's cursory alternative finding that Petitioner presents a flight risk does not cure the constitutional defect in this case.

The court expressly concluded that it lacked jurisdiction to conduct a custody redetermination and therefore did not hold a bond hearing. Petitioner was never provided an opportunity to testify, present evidence, or respond to the government's allegations.

Despite the absence of any evidentiary hearing, the Immigration Judge nevertheless made an alternative finding regarding flight risk. That determination was made without testimony, without factual development, and without the procedural safeguards required by due process.

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[6] See *Jennings*, 583 U.S. at 301 (recognizing constitutional challenges to immigration detention remain available).
[7] *Boumediene v. Bush*, 553 U.S. 723, 739 (2008).
[8] See *Zadvydas*, 533 U.S. at 692 (detention must remain tied to its purpose and subject to constitutional limits).

The Constitution does not permit the government to deny a bond hearing and then substitute its absence with an unsupported conclusion.

A conclusory finding issued in the absence of any hearing cannot substitute for a constitutionally adequate custody determination.[9]

VII. EXHAUSTION

Exhaustion is not required where administrative remedies are unavailable or futile. *McCarthy v. Madigan*, 503 U.S. 140, 146–49 (1992).

Because the Immigration Court has determined that it lacks jurisdiction to conduct a bond hearing, no administrative remedy exists to address Petitioner's detention.

VIII. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus ordering Petitioner's immediate release;
2. In the alternative, order Respondents to provide a prompt individualized bond hearing before an Immigration Judge within seven days;
3. Order that the government bear the burden of proving by clear and convincing evidence that continued detention is necessary;
4. Enjoin Respondents from transferring Petitioner outside this District; and
5. Grant such other relief as the Court deems just and proper.

Respectfully submitted,
/s/ Kimberly S. Weiss
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[9] See *Mathews*, 424 U.S. at 333.

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Kimberly S. Weiss, declare under penalty of perjury that the factual allegations contained in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge and belief.

Dated: March 18, 2026

/s/ Kimberly S. Weiss
Kimberly S. Weiss, Esq.