UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

NORMA IDALIA VASQUEZ RORIDGUEZ,

Petitioner,

v.

KEVIN RAYCRAFT, in his official capacity as Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; ANGELA DUNBAR, in her official capacity as Warden of the North Lake Processing Center; KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; PAMELA BONDI, in her official capacity as U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 1:26-CV-933

Hon.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Norma Idalia Vasquez Rodriguez, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the legality of her continued detention by U.S. Immigration and Customs Enforcement ("ICE"). Petitioner entered the United States lawfully at McAllen, Texas on July 23, 2023 with inspection from Honduras. Petitioner was later placed in immigration custody more than two years later during an ICE dragnet during the pendency of her immigration court proceedings.

2. ICE has provided no individualized determination to hold Petitioner in custody or to change the terms of her initial release after inspection.

3. Petitioner has been unlawfully detained at North Lake Processing Center since November 15, 2025 without the possibility of bond. Petitioner came to the United States more than two and a half years ago fleeing violence in her home country, has lived in Detroit ever since, and complied with all requirements since that time.

4. Petitioner is currently in the physical custody of Respondents at North Lake in Baldwin, which falls under the purview

of the Detroit Field Office of Immigration and Customs Enforcement (ICE), which has responsibility for immigration detention centers in Michigan and Ohio.

5. Under 8 U.S.C. § 1226(a), which allows for release on conditional parole or bond, Petitioner is entitled to immediate release or a new, individualized bond determination. The Department of Homeland Security (DHS) and Executive Office of Immigration Review (EOIR)'s continued detention of Petitioner is arbitrary and capricious, and violates statutory and constitutional law.

6. Detaining Petitioner without bond is plainly contrary to the statutory framework of the INA and contrary to both agency regulations and decades of consistent agency practice applying § 1226(a) to people like Petitioner. It also violates Petitioner's right to due process by depriving her of her liberty without any consideration of whether such a deprivation is warranted.

7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that she be immediately released from custody. In the alternative, Petitioner seeks a bond hearing under § 1226(a) that meets

constitutional and statutory requirements for due process within seven days.

8. Petitioner is not challenging any discretionary denial of bond; she is challenging the legal determination that she is not eligible for bond under § 1226(a) in the first place.

JURISDICTION

9. Petitioner Norma Idalia Vasquez Rodriguez is in the physical custody of Respondents at the North Lake Processing Center in Baldwin, Michigan.

10. This Court has jurisdiction under 28 U.S.C. § 2241 (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 in an immigration detention facility in the Western District at the direction

of, 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 proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States.

REQUIREMENTS OF 28 U.S.C. § 2243

14. The Court must grant the petition for a writ of habeas corpus and order Petitioner's immediate release, 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 Norma Idalia Vasquez Rodriguez is a citizen of Honduras who has resided in the United States since July 2023. The U.S. Government permitted Petitioner to remain in the country during immigration proceedings for more than two years, after inspection at a Port of Entry. (Exhibit A.) She has appeared for all hearings as ordered.

17. ICE arbitrarily detained her on November 15, 2025, and she has been incarcerated in immigration detention since that time. After taking custody of Petitioner, ICE did not set bond. Petitioner has had no meaningful opportunity to seek bond, since when her immigration lawyer sought bond in Immigration Court, the Immigration Judge erroneously held that he was without jurisdiction to grant it.

18. 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.

19. Respondent Angela Dunbar is the warden of the North Lake Processing Center where Petitioner is detained by ICE. North Lake Processing Center holds immigration detainees pursuant to a contract with ICE.

20. Respondent Kristi Noem is the Secretary of the Department of Homeland Security, although she is expected to leave that position as of March 31, 2026 after being recently fired by President Donald Trump. 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.

21. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

22. 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 and the immigration court system it operates are component agencies. She is sued in her official capacity.

23. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

FACTS

24. Petitioner Norma Idalia Vasquez Rodriguez has resided in the United States since 2023 and lives in Detroit. Petitioner is 35 years old.

25. Petitioner has no criminal record and presented herself at the U.S. border, at the McAllen, Texas Port of Entry in July 2023 when she fled violence in Honduras. [redacted] U.S. officials at the border gave her a Notice to Appear and told her she would have to check in at the Immigration Court in Detroit, where she was headed, on December 4, 2024. Petitioner checked in at the Detroit Immigration Court on December 4, 2024, as instructed. Petitioner's Notice to Appear confirms that she was placed in removal proceedings as a non-U.S. citizen who was not admitted or paroled after inspection. When Petitioner appeared in Court on December 4, 2024,

the Immigration Judge that Petitioner saw gave her a court date in 2026 and told her she would need to have a lawyer at that time.

26. On November 15, 2025, Petitioner was riding as a passenger in a vehicle with other adults of Latino descent. The vehicle was forced over on the freeway by multiple ICE vans. The vehicle was not committing any traffic violation at the time. ICE agents pulled everyone out of the car and took the occupants into custody without presenting a warrant. ICE transported Petitioner to North Lake Processing Center in Baldwin, Michigan, where she has been detained since.

27. Petitioner worked with an immigration lawyer in Detroit on an asylum petition.

28. On January 15, 2026, Petitioner's immigration lawyer filed an Application for Asylum and Withholding of Removal on her behalf.

29. On February 2, 2026, DHS filed a perfunctory Motion to Pretermit Petitioner's Application in Immigration Court, arguing that she was subject to an Asylum Cooperative Agreement (ACA) with Ecuador. If an applicant for asylum can be removed to another country, Ecuador in this case, and live there safely, and if there is a full and fair

opportunity to apply for asylum and not return to the dangerous conditions of the home country, that can limit an asylum claim. However, Petitioner has been in ICE detention and has not had a fair opportunity to dispute the application of this exception to her Application.

30. Thereafter, on February 20, 2026, the Immigration Court canceled Petitioner's March 11, 2026 hearing date. On the papers only, the Immigration Judge granted the DHS Motion to Pretermit and stated in the order that Petitioner would be removed to Ecuador. (Exhibit B.) Inexplicably, however, the actual Order language states that Petitioner will be removed to Guatemala or Mexico. (Ex. B at 4.)

31. Petitioner's time to appeal the Order of Removal and denial of asylum has not yet passed, and Petitioner intends to appeal. Her ability to perfect the appeal has been significantly hampered by being held in ICE detention.

32. Following the initiation of removal proceedings, ICE either did not conduct a custody determination or chose to continue detaining Petitioner without providing an opportunity to post bond or be released under other conditions.

33. Petitioner's immigration attorney in the Immigration Court sought bond for Petitioner, but the Immigration Judge denied bond, holding in error that he lacked jurisdiction to grant it. The IJ did not make any factual findings or in any way suggest that Petitioner is a flight risk or danger to the community.

34. Petitioner is clearly neither a flight risk nor a danger to the community, as demonstrated by the following:

- Petitioner previously presented herself as ordered to the Immigration Court in December 2024. The Immigration Court then continued her case until 2026.
- Petitioner has family and friends in the Detroit area, and she has nowhere else to live safely.
- Petitioner has no criminal history.
- [redacted] community in Detroit with whom she identifies.

35. Petitioner is working with an immigration attorney, filed a claim for immigration relief, and intends to appeal the adverse order of the Immigration Court.

36. Without relief from this court, Petitioner faces the prospect of months—or even years—in immigration custody, separated from family and community.

LEGAL FRAMEWORK

37. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

38. 8 U.S.C. § 1226 authorizes the detention of noncitizens who are in removal proceedings. *See* 8 U.S.C. § 1229a. *See also Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018) (explaining that § 1226(a) applies to those who are "already in the country" and are detained "pending the outcome of removal proceedings"). Under § 1226(a), individuals who are taken into immigration custody pending a decision on whether they are to be removed can be detained but are generally entitled to seek release on bond.[1] The bond may be set by ICE itself as part of an initial custody determination, *see* 8 C.F.R. § 1236.1(c)(8), and/or the individual may

[1] Section § 1226 contains an exception for noncitizens who have been arrested, charged with, or convicted of certain crimes, who are subject to mandatory detention without bond. 8 U.S.C. § 1226(c). That exception does not apply to Petitioner here.

seek a bond hearing in immigration court at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d).

39. While the INA also provides for detention of noncitizens who have already been ordered removed, *see* 8 U.S.C. § 1231, Section 1231 is not relevant here, or at least it was not at the time of Petitioner's detention, and will not be until the Immigration Court Order becomes final.

40. This case challenges Respondents' erroneous decision that Petitioner is subject to mandatory detention without bond under §1225(b)(2), rather than being bond-eligible under § 1226(a).

41. In recent months, the Western District of Michigan, like other courts, has repeatedly rejected Respondents' interpretation of the INA and granted writs of habeas corpus to detained noncitizens to whom Respondents denied a bond hearing.

42. As Judge Robert White wrote—after noting that federal district courts are not bound by agency interpretations of statutes—the BIA's reasoning is unpersuasive and "at odds with every District Court that has been confronted with the same question of statutory interpretation." *Pizarro Reyes*, 2025 WL 2609425, at *7.

43. As court after court has explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

44. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

45. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). That does not apply to Petitioner. Petitioner entered with an inspection and has complied as ordered since.

46. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, even those who are present without admission or parole.

47. Section 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). *See Jennings*, 583 U.S. at 287 (explaining that this mandatory detention

scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.").

48. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people who have already entered and were residing in the United States at the time they were apprehended by immigration authorities and detained. Because § 1226(a), not § 1225(b), is the applicable statute, Petitioner's detention without eligibility for bond is unlawful.

49. Petitioner seeks relief from this Court because any months-long appeal to the BIA of an IJ's decision denying bond would be futile. A new request for a bond hearing is likewise futile. First, the agency's position is clear: both IJs and future panels of the BIA must follow the *Yajure Hurtado* decision. Further, the new governmental policy was issued "in coordination with DOJ," which oversees the immigration courts, including the BIA—up to and including the ability of the Attorney General to modify or overrule decisions of the BIA, *see* 8 C.F.R. § 1003.1(h). It is therefore unsurprising that the BIA has (erroneously) held that persons like Petitioner are subject to mandatory

detention under § 1225(b)(2)(A), rather than being bond-eligible under § 1226(a).

50. Second, by the time the BIA could even issue an appeal—a process that typically takes at least six months, *Rodriguez*, 779 F. Supp. 3d at 1245, and in many cases roughly a year, *id.*—the harm of Petitioner's unlawful detention will be impossible to remediate. Nor will the downstream effects of continued detention be remediable.

51. Third, neither IJs nor the BIA have the authority to decide constitutional claims. *See Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006). Here, Petitioner claims not only that Respondents are unlawfully detaining her without bond hearings under an inapplicable statute, but also that such detention violates Petitioner's constitutional right to due process if the government seeks to deprive her of liberty.

CLAIMS FOR RELIEF

COUNT I
Violation of the INA

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

53. Respondents are unlawfully detaining Petitioner without bond pursuant to the mandatory detention provision at 8 U.S.C. § 1225(b)(2).

54. Section 1225(b)(2) does not apply to Petitioner, who previously entered the country and has been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents.

55. Instead, Petitioner should be subject to the detention provisions of § 1226(a), and there is no good reason to change her custody status. She should be immediately released by this Court. At the very least, she is entitled to a meaningful custody redetermination (i.e., a bond hearing) by an immigration judge.

56. Respondents' application of 8 U.S.C. § 1225(b)(2) to Petitioner results in Petitioner's unlawful detention without the opportunity for a bond hearing and violates the INA.

COUNT II
Violation of Due Process

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

58. 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 (2001).

59. Regardless of whether the INA provides Petitioner with a bond hearing, Petitioner has a fundamental interest in liberty and being free from official restraint.

60. The government's detention of Petitioner without an opportunity for a custody determination or bond hearing to decide whether she is a flight risk or danger violates Petitioner's 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 with any reasonable conditions of supervision;

c. In the alternative, issue a writ of habeas corpus requiring that Respondents release Petitioner from custody unless, within 7 days, Petitioner is provided with a bond hearing pursuant to 8 U.S.C. § 1226(a) that meets constitutional and statutory requirements for due process;

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

e. Declare that 8 U.S.C. § 1226(a)—and not 8 U.S.C. § 1225(b)(2)(A) —is the appropriate statutory provision that governs Petitioner's detention and eligibility for bond because Petitioner is not a recent arrival "seeking admission" to the United States, and instead was already lawfully residing in the United States when apprehended;

f. Award Petitioner 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

g. Grant any other and further relief that this Court deems just and proper.

Dated: March 22, 2026

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