UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SALIFU USMAN,

Petitioner,

v.

MATTHEW PUTRA, Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; JULIE MASSENGILL, Administrator, Monroe County Jail; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; TODD BLANCHE, U.S. Attorney General, in their official capacities,

Respondents.

Case No. 2:26-cv-13553

PETITION FOR WRIT OF HABEAS CORPUS

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PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Salifu Usman arrived in the United States on June 11, 2023, seeking protection from persecution in his native Ghana. He was released from custody so that he could apply for asylum in removal proceedings, which he did. He was redetained on March 10, 2026. His removal proceedings remain pending before the Board of Immigration Appeals (BIA). He was issued an employment authorization document valid through November 3, 2029.

2. The Immigration Judge (IJ) denied him bond in a constitutionally defective bond hearing during which the IJ improperly placed the burden of proof on him, not on the Department of Homeland Security as Due Process requires. Exhibit A. Although the brief check-the-box written order is silent on this, the audio recording of the June 9, 2026, bond hearing is clear, starting at approximately the 8-minute mark, that the IJ placed the burden of proof on Mr. Usman. Specifically, the IJ held that the "bottom line is that the [Mr. Usman] has the burden of proof. … So I am finding that he failed to carry his burden of proof" on dangerousness and "[a]lternatively, I'm finding that he hasn't shown that he's a flight risk."

3. This constitutionally defective bond hearing is not an isolated violation of the due process rights. Rather, it is another in a long line of systemic due process violations in bond proceedings occurring in the Detroit Immigration

Court. Despite repeated grants of habeas petitions filed by similarly situated noncitizens, the government persists in depriving detained noncitizens of their basis due process protections. The only effective remedy at this point is to order Respondents to immediately release Mr. Usman from custody.

4. In Immigration Court bond proceedings, ICE bears the burden of proving that a noncitizen is a flight risk or a danger to the community. *Soto-Medina v. Lynch*, No. 817 F.Supp.3d 612 (W.D. Mich. 2026); *see also Hernandez-Lara v. Lyons*, 10 F.4th 19, 24 (1st Cir. 2021); *Velasco-Lopez v. Decker*, 978 F.3d 842, 847 (2d Cir. 2020). The standard of proof is clear and convincing evidence. *Soto-Medina*, 817 F.Supp.3d at 627-29.

5. Mr. Usman has been in DHS custody since approximately March 10, 2026. He is eligible for bond under 8 U.S.C. § 1226(a). *Lopez-Campos v. Raycraft*, 175 F.4th 713 (6th Cir. 2026).

JURISDICTION

6. Petitioner is in the physical custody of Respondents at the Monroe County Jail in Monroe, Michigan.

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). *See Rosales-Garcia v. Holland*, 322 F.3d 386, 394 (6th Cir. 2003).

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. *See Ly v. Hansen*, 351 F.3d 263, 266 (6th Cir. 2003) *vacated on other grounds by Hamama v. Adducci*, 946 F.3d 875 (6th Cir. 2020).

VENUE

9. Venue is proper in the Eastern District of Michigan under 28 U.S.C. § 2241 and 28 U.S.C. § 1391. Petitioner is detained at the direction of, and is in the immediate custody of, Respondent Putra. *See Roman v. Ashcroft*, 340 F.3d 314, 320-21 (6th Cir. 2003).

10. 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 the Western District.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the Petition 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.*

12. 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

13. Petitioner Salifu Usman is a citizen of Ghana. He has been in immigration detention since approximately March 10, 2026.

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

15. Respondent Julie Massengill is the Administrator of the Monroe County Jail where Petitioner is detained by ICE. The Monroe County Jail holds immigration detainees pursuant to a contract with ICE. She is named in her official capacity.

16. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of

the INA and oversees ICE, which is responsible for Petitioner's detention. He has ultimate custodial authority over Petitioner and is sued in his official capacity.

17. Respondent Todd Blanche is the Attorney General of the United States. He 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. He is sued in his official capacity.

FACTS

18. Petitioner Salifu Usman fled persecution in his native Ghana and arrived in the United States on June 11, 2023. He was released from custody so that he could pursue his asylum claim in Immigration Court.

19. DHS issued him an employment authorization document valid through November 3, 2029.

20. He was redetained on March 10, 2026, after an arrest for domestic violence. The charge against him was dismissed.

21. He is married to a United States citizen and a beneficiary of a pending I-130 visa petition filed on his behalf by his wife, Kendra Collins. They have been married since April 1, 2025.

22. Since his detention, his wife is in jeopardy of being evicted from their family home because Mr. Usman is the primary source of income for the family.

23. In advance of his June 9, 2026, bond hearing, Mr. Usman submitted approximately 60 pages of evidence. The DHS only provided the report of his detention.

24. At his June 9, 2026, bond hearing, the Immigration Judge placed the burden of proof on Mr. Usman to prove that he is not a danger to the community and a flight risk. As a result, the IJ denied his bond request. Exhibit A.

25. Mr. Usman's asylum application and removal proceeding remain pending with the BIA. He has been detained for over six months.

LEGAL FRAMEWORK

26. Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment because the IJ's finding that Mr. Usman did not prove his eligibility for bond improperly placed the burden of proof on him rather than on ICE.

27. It is the government's burden to establish that Petitioner poses a danger to the community sufficient to justify continued civil detention without bond. Due process requires that such determinations be supported by individualized evidence, not speculation or generalized assertions. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Ly v. Hansen*, 351 F.3d 263, 269-70 (6th Cir. 2003).

28. Due process further requires that the burden of proving that a noncitizen is a flight risk or poses a danger to the community is placed on ICE. *See Soto-Medina*, 817 F.Supp.3d at 621-27; *see also Hernandez-Lara v. Lyons*, 10 F.4th 19, 24 (1st Cir. 2021); *Velasco-Lopez v. Decker,* 978 F.3d 842, 847 (2d Cir. 2020). Longstanding agency rules require ICE to establish a sufficient change in circumstances. *See Matter of Sugay*, 17 I&N Dec. 637, 640 (BIA 1981); *see also Bumbila Iza v. Arnott*, No. 6:25-cv-3392 at *5 (W.D. Mo. Jan. 8, 2026) (ordering immediate release); *Mejia Orozco v. Lyons*, No. 1:25-cv-01762 at * 6 and n.5 (E.D. Va. Dec. 1, 2025).

29. Judges within the Eastern District of Michigan have followed suit. *See, e.g., Jaimes v. King*, 2:26-cv-11327 (E.D. Mich. Jul 14, 2026); *Graterol Guedez v. Raycraft*, No. 26-11285, 2026 WL 1696650, at *6 (E.D. Mich. June 11, 2026) (following Soto-Medina); *Ba v. Raycraft*, No. 26-10838, 2026 WL 1213803, at *7 (E.D. Mich. May 4, 2026) (same); *Perez-Perez v. Raycraft*, No. 26-10533, 2026 WL 1121930, at *7 (E.D. Mich. Apr. 24, 2026) (same). These holdings predate current DHS Policy. *Diaz-Calderon v. Barr*, No. 2:20-CV-11235-TGB, 2020 WL 5645191, at *17 (E.D. Mich. Sept. 22, 2020).

30. During the custody redetermination hearing on June 9, 2026, DHS did not present any evidence establishing that Petitioner is a flight risk or a danger to the community.

31. Habeas relief is warranted to remedy the ongoing due process violation. Federal courts have authority to grant habeas relief where immigration detention violates the Constitution. 28 U.S.C. § 2241; *Jennings v. Rodriguez*, 583 U.S. 281, 292 (2018).

32. Accordingly, the Court should grant the habeas petition and order Petitioner's immediate release, or in the alternative, require a new bond hearing consistent with constitutional due process requirements.

33. It would be futile for Mr. Usman to exhaust administrative remedies by appealing the bond denial to the Board of Immigration Appeals (BIA) because the agency is already bound by *Matter of Guerra*, 24 I&N Dec. 37, 39-40 (BIA 2006), which improperly places the burden of proof in bond proceedings on noncitizens, not DHS. *See also Matter of A-L-S-*, 29 I&N Dec. 794, 795 (BIA 2026) (affirming the agency's position that the burden of proof in bond proceedings is on the noncitizen).

CLAIM FOR RELIEF

COUNT I

Violation of Due Process

34. Petitioner repeats and 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 form of physical restraint – lies at the heart of the liberty that the Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

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

37. Due process requires that ICE bears the burden of proving, by clear and convincing evidence, that Petitioner is a danger to the community or a flight risk. *See Soto-Medina*, 817 F.Supp.3d at 621-27 and 627-29; *see also Hernandez-Lara v. Lyons*, 10 F.4th 19, 24 (1st Cir. 2021); *Velasco-Lopez v. Decker*, 978 F.3d 842, 847 (2d Cir. 2020).

38. The government's continued detention of Petitioner 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 immediately release Petitioner to remedy the unlawfulness of his detention.

c. In the alternative, order Respondents to provide Petitioner with a bond hearing within five days, with at least 24 hours notice, at which time the government will have the burden to demonstrate dangerousness or flight risk by clear and convincing evidence;

d. Order DHS to return Petitioner's property;

e. Enjoin Respondents from transferring Petitioner outside of this District during these proceedings;

f. 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

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

DATED September 19, 2026.

/s/ Russell Reid Abrutyn

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