UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Beltonde PIERRE,

Petitioner,

v.

Kevin RAYCRAFT, in his official capacity as Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; Markwayne MULLIN, in his official capacity as Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Todd BLANCHE, in his official capacity as Acting U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; and Tracy DeCaussin, in her official capacity as Jail Administrator of St. Clair County Jail,

Respondents.

Case No.

Hon.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This is a habeas action challenging Petitioner's continued immigration detention without an individualized bond hearing.

2. Petitioner, a citizen of Haiti and resident of New York, was arrested by Custom and Border Patrol (CBP) on September 05, 2026.

3. Petitioner raveled briefly to Canada on September 3, 2026, and was arrested by CBP when he attempted to return to the United States on September 5, 2026 through the Port Huron port of entry.

4. Petitioner is currently detained at the St. Clair Shores County Jail in Port Huron, Michigan, a public-owned, and operated by St. Clair County.

5. Petitioner first entered the United States approximately three (3) years ago as part of the Haitian Humanitarian Parole program and has lived here ever since.

6. Since his arrest, Petitioner has remained in immigration custody without a bond hearing before an Immigration Judge.

7. Upon information and belief, Respondents are treating Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), and/or are denying him access to a bond hearing based on Matter of YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025), which held that Immigration Judges lack authority to grant bond to aliens present in the United States without admission.

8. Accordingly, Petitioner contends that his continued detention without an individualized bond hearing is not authorized by statute and violates due process.

9. Additionally, this Petition also arises from the U.S. government's new policy, which contradicts both the plain language of the Immigration and Nationality Act (INA) and decades of agency practice, of erroneously interpreting the INA to mandate detention without the possibility of bond for noncitizens who entered the United States without inspection, even if they have been residing here for years.

10. Petitioner is statutorily entitled to a bond hearing before an Immigration Judge (IJ) but will not receive one or be released on bond because of a new policy and legal interpretation by ICE and the Department of Justice.

11. The denial of bond is a new policy issued on July 8, 2025, instructing all ICE employees to no longer apply 8 U.S.C. § 1226(a) to people charged with being inadmissible under § 1182(a)(6)(A)(i)—i.e., those who initially entered the United States without inspection. Instead, under the new policy, ICE employees are to subject people like Petitioner to mandatory detention without bond under § 1225(b)(2)(A), no matter how long they have resided in the United States.

12. The policy was joined by the Board of Immigration Appeals (BIA) in their precedential decision, *Matter of YAJURE HURTADO*, 29 I & N Dec. 216, issued on September 5, 2025.

13. BIA decisions are binding authority on Immigration Judges and hold that IJs no longer have jurisdiction to hold bond hearings for detained individuals like Petitioner.

14. As a result, Petitioner will remain in mandatory detention. Absent relief from this Court, he faces the prospect of months or years in immigration custody, separated from his

family and community, all while being deprived an individualized hearing justifying his detention in violation of the INA and Due Process.

15. Petitioner is terrified and experiencing the harms of being in a carceral setting for the first time in his life.

16. Respondents' new legal interpretation, which has caused Petitioner to be detained 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 his right to due process by depriving him of his liberty without any consideration of whether such a deprivation is warranted.

17. Courts have found that, when a noncitizen detainee's due process was violated, his detention is unlawful and **he must be released**. *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV (W.D.N.Y. July 16, 2025).

18. Accordingly, Petitioner also seeks a writ of habeas corpus requiring that he be **immediately released from custody**, or in the alternative, that Respondents provide him with a bond hearing under § 1226(a) within three (3) days.

JURISDICTION

19. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2241(c)(3) ("in custody in violation of the Constitution or laws or treaties of the United States,"); and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

20. 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

21. 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 and in the immediate custody of Respondent Kevin Raycraft. See *Roman v. Ashcroft*, 340 F.3d 314, 320-21 (6th Cir. 2003).

22. 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 this District.

REQUIREMENTS OF 28 U.S.C. § 2243

23. The Court must grant the petition for writ of habeas corpus 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 (3) days unless for good cause additional time, not exceeding twenty (20) days, is allowed." *Id.*

24. 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 her within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

25. Petitioner is a citizen of Haiti and resident of New York. Petitioner has been detained since September 5, 2026.

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

27. 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. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

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

29. Respondent Todd Blanche is the Acting Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review (EOIR) and the immigration system it operates are components. He is sued in his official capacity.

30. 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.

31. Respondent Tracy DeCaussin is the jail administrator of the St. Clair County Jail,

where the Petitioners are detained by ICE. The St. Clair County Jail holds immigration detainees under contract with ICE.

FACTS

32. Petitioner Beltonde Pierre has resided in the United States for three (3) years. He lives in New York. Petitioner is thirty-three (33) years old.

33. Petitioner has a permanent address in the United States. Petitioner has no prior criminal history.

34. On information and belief, he attended all court hearings as required and met every other condition of his "form of conditional parole." *Martinez v. Hyde*, 792 F. Supp. 3d 211 (D. Mass. 2025).

35. Since that arrest, Respondents have detained Petitioner without providing him an individualized bond hearing before an Immigration Judge.

36. Upon nformation and belief, Respondents are taking the position that Petitioner is not entitled to a bond hearing because they consider him subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and Matter of YAJURE HURTADO.

37. Petitioner is not a flight risk nor a danger to his community.

38. Petitioner's continued detention is causing severe hardship, including separation from his family, loss of employment, and the psychological harms associated with detention.

LEGAL FRAMEWORK

39. Under 28 U.S.C. § 2241, a district court may grant habeas relief where a petitioner is held in federal custody in violation of the Constitution or federal law.

40. Under 8 U.S.C. § 1226(a), noncitizens may be arrested and detained pending a decision on whether they are to be removed, but detention under § 1226(a) generally carries access to custody review and bond proceedings.

41. Jennings v. Rodriguez, 583 U.S. 281, 289, explained that § 1226(a) applies to noncitizens who are "already in the country" and are detained pending the outcome of removal proceedings.

42. Jennings also recognized that noncitizens detained under § 1226(a) receive bond hearings at the outset of detention under the regulations, including 8 C.F.R. § 236.1(d)(1) and 8 C.F.R. § 1236.1(d)(1) [15].

43. The regulations provide that, after an initial custody determination, the respondent may request amelioration of custody conditions, and the Immigration Judge may detain, release, and determine bond under section 236 of the Act.

44. EOIR's Policy Manual likewise states that DHS sets bond initially and, upon request, an Immigration Judge may conduct a bond hearing and redetermine custody, except in categories where bond jurisdiction is withheld by regulation.

45. In Suqilanda v. Wesling, decided February 18, 2026, the District of Massachusetts held that continued detention without an individualized bond hearing violated procedural due process and was not authorized by statute, and ordered that the petitioner be granted a bond hearing before an Immigration Judge.

46. In Rodriguez Sanchez v. Ortiz, decided June 15, 2026, the district court explained that, under 8 C.F.R. § 236.1(d)(1) and Jennings, noncitizens detained under § 1226(a) receive bond hearings at the outset of detention.

47. In Soumare v. Rife, decided June 24, 2026, the district court explained that people detained under § 1226(a) are entitled to a bond hearing before an Immigration Judge upon request.

48. At least one recent district court has further stated that, at a § 1226(a) bond hearing, the government bears the burden to justify continued detention by clear and convincing evidence.

49. Respondents are expected to rely on Matter of YAJURE HURTADO, which held that Immigration Judges lack authority to hear bond requests or grant bond to aliens present in the United States without admission.

50. But federal district courts have rejected that interpretation in multiple cases, and one court described the BIA's shift as inconsistent with decades of agency practice and with the statutory framework.

51. Freedom from physical detention lies at the heart of the liberty protected by due process.

COUNT I

Violation of the INA – Unlawful Denial of Bond Hearing

52. Petitioner incorporates the preceding allegations.

53. Petitioner has lived in the United States since 2023, established residence and employment here, and was not apprehended for the first time during an initial border encounter.

54. Respondents nevertheless are detaining Petitioner without bond and, upon information and belief, are applying 8 U.S.C. § 1225(b)(2)(A) to deny him access to an Immigration Judge bond hearing.

55. That detention theory is unlawful because 8 U.S.C. § 1226(a), as interpreted in Jennings and implemented through 8 C.F.R. § 236.1(d)(1) and 8 C.F.R. § 1236.1(d)(1), provides the default bond-hearing framework for noncitizens already in the country and detained pending removal proceedings [4][15].

56. Respondents' refusal to provide a bond hearing therefore violates the INA and exceeds their lawful detention authority.

COUNT II

Fifth Amendment Due Process

57. Petitioner incorporates the preceding allegations.

58. Due process protects the liberty interest in freedom from imprisonment and civil detention.

59. Petitioner has been detained without an individualized hearing to determine whether he presents any danger or flight risk.

60. That continued detention without a bond hearing violates procedural due process.

61. As Suqilanda held, continued detention without an individualized bond hearing violates procedural due process and is not authorized by statute.

COUNT III

Habeas Relief Under 28 U.S.C. § 2241

62. Petitioner incorporates the preceding allegations.

63. Petitioner is in federal custody in violation of the Constitution or laws of the United States and is therefore entitled to relief under 28 U.S.C. § 2241.

64. Immediate release is warranted because Respondents are detaining Petitioner without lawful authority.

65. At minimum, this Court should order Respondents to provide Petitioner with a prompt bond hearing under 8 U.S.C. § 1226(a), before an Immigration Judge with authority to order release.

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 within twenty-four (24) hours and enjoining them from re-detaining Petitioner absent leave of this Court, which should not be granted unless and until Respondents demonstrate that Petitioner has received constitutionally adequate notice and a meaningful opportunity to be heard before a neutral decisionmaker;

C. In the alternative to immediate release, order a bond hearing pursuant to 8 U.S.C. § 1226(a) within three (3) days, at which the government bears the burden to justify continued detention by clear and convincing evidence and at which the immigration judge has authority to order release;

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

F. To the extent the Court reaches the statutory issues, declare that 8 U.S.C. § 1226(a), 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.

Respectfully submitted,

By: **/s/ Marva De Armas**

Counsel for Petitioner

Marva De Armas (P80061)

Dated: September 21, 2026

PROOF OF SERVICE

I hereby certify that on September 21, 2026, Petitioner's Petition for Writ of Habeas Corpus was filed with the Court Clerk via ECF system e-filing system which will give notice of such filing to all parties of record.

/s/ Marva De Armas
Marva De Armas

Attorney for Petitioner