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, Jail Administrator of St. Clair County Jail,

Respondents.

Case No.

Hon.

PETITIONER'S BRIEF
IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS

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JURISDICTION AND STANDARD OF REVIEW

This Court has jurisdiction under 28 U.S.C. § 2241, which confers upon federal district courts the authority to grant a writ of habeas corpus on behalf of a person held "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Petitioner is currently detained at St. Clair County Jail in Port Huron, MI, which lies within the Eastern District of Michigan. Venue is therefore proper in this Court. See Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004) (the proper respondent in a habeas petition is the immediate custodian and the proper court is the district of confinement).

INTRODUCTION

On November 29, 2023, Petitioner arrived lawfully in the United States through New York, New York, via the Haitian Humanitarian Parole program. He was processed by U.S. Customs and Border Protection officers at the port of entry, issued a Form I-94 authorizing his admission as a nonimmigrant parolee, and placed in removal proceedings. He was not smuggled across the border in the dark of night; he presented himself, was inspected, and was released. Subsequently, he established a life in New York, providing support to his family, working in delivery for as an Amazon driver, and firmly establishing his presence within his community. However, Petitioner was detained while attempting to return through the Port Huron port of entry. He has no criminal history that would trigger mandatory detention under 8 U.S.C. § 1226(c).

The government has not offered Petitioner any bond hearing or custody determination of any kind. Instead, ICE relies on a policy announced on July 8, 2025, which purports to subject noncitizens apprehended in the interior and charged with inadmissibility to mandatory detention without bond under 8 U.S.C. § 1225(b)(2)(A)—a border inspection statute—regardless of how

they entered, how long they have resided in the United States, or whether they pose any flight risk or danger to the community. By labeling Petitioner an "arriving alien" on his Notice to Appear and charging her under INA § 212(a)(7)(A)(i)(I), DHS seeks to erase the legal significance of the fact that Petitioner was inspected by CBP officers at a designated port of entry, issued lawful documentation, and permitted to enter three years ago.

Every federal court to have addressed this policy—hundreds of them, including this district—has rejected the government's reading of the INA. Petitioner now seeks the same relief: a writ of habeas corpus compelling his immediate release, or, in the alternative, a bond hearing at which the government bears the burden of justifying his continued detention.

BACKGROUND

Petitioner is a citizen of Haiti who first entered the United States in November 2023 through a humanitarian parole process and thereafter resided in the United States. The petition alleges that Petitioner later traveled to Canada briefly and, on September 5, 2026, was detained at or near the Port Huron port of entry while returning to the United States. Petitioner was then transferred into immigration custody.

The petition further alleges that DHS did not provide advance written notice of parole termination, did not issue a contemporaneous written decision explaining the basis for re-detention, and did not provide any opportunity, either before or shortly after the arrest, to challenge the deprivation of liberty before a neutral decisionmaker. It also alleges that Respondents made no individualized determination whether Petitioner violated any release condition, and that Petitioner is neither a flight risk nor a danger to the community.

ARGUMENT

I. The Court Should Reach the Merits because Habeas Jurisdiction is Clear and Exhaustion Would Be Futile

The government may argue that Petitioner should first pursue administrative custody review. That objection fails here. The petition challenges the legality of current detention through habeas, and district courts have authority to hear such claims under 28 U.S.C. § 2241.

Any prudential exhaustion requirement should also be excused as futile. Courts confronting detention challenges after Matter of Yajure Hurtado have recognized that Immigration Judges and the Board are bound by that precedent and therefore cannot supply effective relief where the legal issue is whether the government is unlawfully withholding bond review in the first place. That is especially true here, where EOIR's own Policy Manual states that Immigration Judges generally lack bond jurisdiction over arriving aliens in removal proceedings, even though they otherwise may redetermine custody in bond cases. Requiring Petitioner to ask an adjudicator for relief that the adjudicator is forbidden to grant would only prolong detention.

II. Petitioner's Re-Detention is Unlawful Because the Government Allegedly Failed To Provide the Written Notice and Meaningful Process Required Before Parole Termination and Renewed Custody

The petition's lead theory is strong because it tracks both the regulation and the Due Process Clause. The petition alleges that Petitioner was not informed that parole had been terminated before arrest, was given no written notice, no statement of reasons, and no opportunity to contest the re-detention. The petition also cites 8 C.F.R. § 212.5(e)(2)(i), which requires written notice for parole termination to be effective.

That process matters because liberty from civil detention is a protected constitutional interest. The Supreme Court has held that freedom from imprisonment lies at the heart of the liberty the Due Process Clause protects, and that immigration detention is permissible only when it remains reasonably related to permissible civil purposes rather than functioning as punishment. The attached draft also correctly frames Mathews v. Eldridge as requiring a meaningful opportunity to be heard before a protected liberty interest is taken away, and it specifically cites decisions recognizing that re-detention without notice and a meaningful opportunity to respond violates due process.

Here, according to the petition's own allegations, Respondents did not identify any individualized reason why Petitioner had to be taken back into custody, did not comply with the notice requirement in 8 C.F.R. § 212.5(e)(2)(i), and did not provide any neutral forum to contest the detention. On those allegations, the detention is not merely procedurally imperfect. It lacks the basic process that distinguishes lawful civil restraint from arbitrary executive confinement.

III. Even if the Court Does Not Order Immediate Release, Detention Without Any Individualized Custody Hearing is Unlawful

At minimum, the Court should order a prompt individualized hearing. The current record alleges that no Immigration Judge has made any neutral assessment of whether Petitioner presents a danger or a flight risk. The existing brief draft correctly collects authority holding that noncitizens detained under 8 U.S.C. § 1226(a) are entitled to a bond hearing with strong procedural protections and that, under the due-process analysis adopted in Singh v. Holder and Martinez v. Clark, the government should bear the burden of proving by clear and convincing evidence that detention is necessary.

The government will point to two lines of adverse authority. First, Matter of Yajure Hurtado held that Immigration Judges lack authority to hear bond requests for certain noncitizens whom the Board characterizes as applicants for admission detained under INA § 235(b)(2)(A). Second, Matter of N-A-G-C-, decided June 2, 2026, followed Yajure Hurtado and reiterated that position while acknowledging that federal appellate courts have reached differing conclusions on the scope of INA §§ 235 and 236, including a different conclusion in the Sixth Circuit's Lopez-Campos v. Raycraft. Those agency decisions matter, but they do not defeat the habeas claim for two reasons.

First, the existence of binding agency precedent denying bond jurisdiction underscores why the Court, rather than the agency, must decide whether the detention is lawful. Second, even under the government's view of the statute, continued detention without any meaningful individualized review raises serious due-process concerns where a previously released noncitizen with no alleged criminal history is held solely on executive say-so. If the Court concludes that § 1226(a) governs, then the remedy should be a prompt custody hearing before a neutral Immigration Judge with meaningful procedures. If the Court concludes that existing agency rules foreclose ordinary bond jurisdiction, the Court should still order constitutionally adequate process because the absence of any neutral review is the constitutional defect.

IV. Immediate Release is An Appropriate Habeas Remedy on this Record, and A Prompt Hearing is the Minimum Alternative Relief

The requested relief should be framed in the alternative. Immediate release is warranted where the government has provided no constitutionally adequate process and cannot articulate an individualized justification for continued civil detention. The attached draft relies on decisions recognizing that, when a noncitizen demonstrates concrete deprivation of liberty without process,

immediate release may be appropriate rather than a delayed or futile bond proceeding. That framing fits this case because the petition alleges a complete absence of pre- or post-detention notice and no neutral hearing at all.

If the Court declines to order immediate release, it should at least order a prompt individualized custody hearing. A district court has already used that remedy in analogous litigation, ordering a bond hearing within two business days and directing release if the hearing did not occur. The attached brief's prayer for relief properly requests the same minimum remedy here: a prompt individualized hearing before a neutral adjudicator at which the government must justify continued detention.

CONCLUSION

For those reasons, the Court should grant the petition. The Court should order Petitioner's immediate release because the petition alleges re-detention without the written notice and meaningful process required by 8 C.F.R. § 212.5(e)(2)(i) and the Fifth Amendment. In the alternative, the Court should order Respondents to provide a prompt individualized custody hearing before a neutral adjudicator, with procedures sufficient to test whether continued detention is actually necessary.

Respectfully submitted,

/s/ Marva De Armas
Counsel for Petitioner

Dated: September 21, 2026

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2026, *Petitioner's Brief in support of his 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