

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Neyder Alonso Cuero Perlazo v. Robert Lynch et al.

Case No. 1:25-cv-1445 · No. 1:25-cv-1445 · Decided December 4, 2025

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted Neyder Alonso Cuero Perlazo’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in 8 U.S.C. § 1225(b)(2)(A), governs the detention of a noncitizen who entered and resided in the United States before being apprehended. It also concluded that prudential exhaustion was unnecessary or should be waived and that detention without an individualized bond hearing violated the Fifth Amendment’s Due Process Clause.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Paul L. Maloney
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	December 4, 2025
DOCKET	1:25-cv-1445
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging his immigration detention, arguing that detention was governed by 8 U.S.C. § 1226(a), which permits bond or conditional parole, rather than 8 U.S.C. § 1225(b)(2)(A), which provides for mandatory detention.
STANDARD OF REVIEW	The court applied de novo statutory interpretation and evaluated the adequacy of detention procedures under the three-factor balancing test of Mathews v. Eldridge.
PRECEDENTIAL VALUE	Nonprecedential federal district court opinion
PARTIES	Neyder Alonso Cuero Perlazo v. Robert Lynch et al.

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QUESTIONS PRESENTED

1. Whether prudential administrative exhaustion should be required before the court considers petitioner's § 2241 challenge to his immigration detention.
2. Whether 8 U.S.C. § 1225(b)(2)(A) or 8 U.S.C. § 1226(a) governs detention of a noncitizen who entered the United States unlawfully, has been residing in the country, and was apprehended within the United States rather than while actively seeking admission at the border or port of entry.
3. Whether detention under the mandatory-detention framework of § 1225(b)(2)(A), without an individualized bond hearing, violates the Fifth Amendment Due Process Clause when § 1226(a) governs the detention.
4. Whether the Attorney General, the Secretary of Homeland Security, and the Detroit ICE Field Office Director were proper respondents in the habeas action.

HOLDINGS

1. Prudential administrative exhaustion was not required, and alternatively any exhaustion requirement should be waived, because the petition presented primarily legal statutory and constitutional questions, agency review was unlikely to eliminate the need for judicial review, delay would impose hardship, and exhaustion would likely be futile.
2. Section 1226(a), not § 1225(b)(2)(A), governs detention of a noncitizen who has resided in the United States and was already within the country when apprehended and arrested.
3. Petitioner's detention under the mandatory-detention framework of § 1225(b)(2)(A), without an individualized bond hearing, violated the Fifth Amendment because his detention was governed by § 1226(a), whose discretionary framework requires an individualized custody determination.
4. The court dismissed the Attorney General as a respondent but retained the Secretary of Homeland Security because retaining a higher-level respondent was appropriate to ensure enforcement of the conditional habeas relief if petitioner were transferred outside the district.

KEY QUOTATIONS

“Accordingly, for the above-discussed reasons, the Court concludes that § 1226(a), not § 1225(b)(2)(A), governs noncitizens, such as Petitioner, who have resided in the United States and were already within the United States when apprehended and arrested.” (Opinion, § IV.A)

“Accordingly, the Court concludes that Petitioner’s current detention under the mandatory detention framework set forth in § 1225(b)(2)(A) violates Petitioner’s Fifth Amendment due process rights.” (Opinion, § IV.B)

FACTUAL BACKGROUND

Petitioner, a Colombian citizen, entered the United States near Tecate, California, in June 2024 without being admitted or paroled and was issued a notice to appear charging inadmissibility under INA § 212(a)(6)(A)(i). ICE arrested him on August 1, 2025, and detained him at the North Lake Processing Center in Michigan without providing a bond hearing. Before detention, he had work authorization, lived in Chicago with his wife and young daughter, and was his family's sole financial support.

PROCEDURAL HISTORY

Petitioner filed a counseled § 2241 petition on November 13, 2025. The court ordered respondents to show cause, respondents filed a response, and petitioner filed a reply. The court declined to require prudential exhaustion, conditionally granted habeas relief, ordered a bond hearing under § 1226(a) within five business days or release, required a compliance status report, and dismissed the Attorney General as a respondent while retaining the Secretary of Homeland Security to address possible transfer-related enforcement issues.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide petitioner with a bond hearing under 8 U.S.C. § 1226(a) within five business days of the opinion and judgment or immediately release him from custody. Respondents must file a status report within six business days certifying compliance and stating whether and when the hearing occurred, whether bond was granted or denied, and, if denied, the reasons. The Attorney General of the United States is dismissed as a respondent.

CASES CITED

- Hamdi v. Rumsfeld, 542 U.S. 507, 525, 529 (2004)
- Zadvydas v. Davis, 533 U.S. 678, 687, 690 (2001)
- A. A. R. P. v. Trump, 145 S. Ct. 1364, 1367 (2025)
- Shearson v. Holder, 725 F.3d 588, 593-94 (6th Cir. 2013)
- McCarthy v. Madigan, 503 U.S. 140, 144 (1992)
- Island Creek Coal Co. v. Bryan, 937 F.3d 738, 746 (6th Cir. 2019)
- Loper Bright Enterprises v. Raimondo, 144 S. Ct. 2244, 2266, 2273 (2024)
- Pizarro Reyes v. Raycraft, No. 25-cv-12546, 2025 WL 2609425, at *3-*5 (E.D. Mich. Sept. 9, 2025)
- Hernandez Torrealba v. U.S. Department of Homeland Security, No. 1:25-cv-1621, 2025 WL 2444114, at *8 (N.D. Ohio Aug. 25, 2025)
- Lopez-Campos v. Raycraft, No. 2:25-cv-12486, 2025 WL 2496379, at *4-*6, *9 (E.D. Mich. Aug. 29, 2025)
- United States v. California Care Corp., 709 F.2d 1241, 1248 (9th Cir. 1983)
- McGee v. United States, 402 U.S. 479, 484 (1971)

- *McKart v. United States*, 395 U.S. 185, 193-95 (1969)
- *Shweika v. Department of Homeland Security*, No. 1:06-cv-11781, 2015 WL 6541689, at *12 (E.D. Mich. Oct. 29, 2015)
- *Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir. 2006)
- *Shalala v. Illinois Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000)
- *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1245 (W.D. Wash. 2025)
- *Hibbs v. Winn*, 542 U.S. 88, 101 (2004)
- *Corley v. United States*, 556 U.S. 303, 314 (2009)
- *Kentucky v. Biden*, 23 F.4th 585, 603 (6th Cir. 2022)
- *In re Village Apothecary, Inc.*, 45 F.4th 940, 947 (6th Cir. 2022)
- *King v. Burwell*, 576 U.S. 473, 486 (2015)
- *Roberts v. Sea-Land Services, Inc.*, 566 U.S. 93, 101 (2012)
- *Hing Sum v. Holder*, 602 F.3d 1092, 1100-01 (9th Cir. 2010)
- *Martinez v. Hyde*, 792 F. Supp. 3d 211, 218 (D. Mass. 2025)
- *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001)
- *Pulsifer v. United States*, 144 S. Ct. 718, 735 (2024)
- *Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH), 2025 WL 2371588, at *7 (S.D.N.Y. Aug. 13, 2025)
- *Yates v. United States*, 574 U.S. 528, 537 (2015)
- *Dubin v. United States*, 143 S. Ct. 1557, 1567-68 (2023)
- *Jennings v. Rodriguez*, 583 U.S. 281, 287-89 (2018)
- *United States v. Silvestre-Gregorio*, 983 F.3d 848, 852-56 (6th Cir. 2020)
- *Günaydin v. Trump*, 784 F. Supp. 3d 1175, 1187 (D. Minn. 2025)
- *Hernandez-Lara v. Lyons*, 10 F.4th 19, 28 (1st Cir. 2021)
- *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020)
- *Sampiao v. Hyde*, No. 1:25-cv-11981-JEK, 2025 WL 2607924, at *12 (D. Mass. Sept. 9, 2025)
- *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 494-95 (1973)
- *Roman v. Ashcroft*, 340 F.3d 314, 322, 325-26 (6th Cir. 2003)

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