

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

Marlon Castillo Moreno v. Kristi Noem et al.

Castillo Moreno v. Noem · No. 1:25-cv-1491 · Decided November 25, 2025

SUMMARY

The United States District Court for the Western District of Michigan considers a habeas petition brought by an ICE detainee challenging the statutory and constitutional basis for his detention. The court declines to require administrative exhaustion and holds that 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b)(2)(A), governs detention of a noncitizen who entered and resided in the United States before being apprehended. The court conditionally grants the petition, concluding that due process requires an individualized bond hearing.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Jane M. Beckering
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	November 25, 2025
DOCKET	1:25-cv-1491
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241 and complaint for emergency injunctive relief challenging the petitioner's immigration detention.
STANDARD OF REVIEW	The Court reviewed the § 2241 detention challenge, applied statutory interpretation principles to 8 U.S.C. §§ 1225 and 1226, and applied the three-factor Mathews v. Eldridge balancing test to the due-process claim. Prudential exhaustion was evaluated under the court's discretion using the three-factor exhaustion framework applied in the Sixth Circuit.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Marlon Castillo Moreno v. Kristi Noem et al.

TOPICS

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statutory interpretation

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether prudential exhaustion should be required before the Court considered the 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) governed the detention of a noncitizen who had entered and resided in the United States for years before being apprehended.
3. Whether detention under the mandatory-detention framework of § 1225(b)(2)(A), without an individualized bond hearing, violated the Fifth Amendment Due Process Clause.
4. Whether the Secretary of Homeland Security was a proper respondent in light of the immediate-custodian rule and the possibility of transfer.

HOLDINGS

1. Prudential exhaustion was not required because the central statutory question was purely legal, the constitutional challenge was not a procedural error correctable by the agency, and administrative review was unlikely to eliminate the need for judicial review. Alternatively, waiver of exhaustion was appropriate because pursuing administrative remedies would likely be futile and delay would impose hardship.
2. 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governs the detention of a noncitizen who entered the United States years earlier and was already residing within the country when apprehended and arrested.
3. Because Petitioner's detention was governed by § 1226(a), the discretionary detention framework required an individualized bond hearing. Detaining Petitioner under the mandatory-detention framework of § 1225(b)(2)(A) without that hearing violated the Fifth Amendment Due Process Clause.
4. The Secretary of Homeland Security would not be dismissed because retaining her as a respondent ensured that the Court's conditional habeas relief could be enforced if Petitioner were transferred out of the district.

KEY QUOTATIONS

“Here, no applicable statute or rule mandates administrative exhaustion by Petitioner. Thus, whether to require exhaustion is within this Court’s “sound judicial discretion.”” (Section III)

“Accordingly, for the above-discussed reasons, this 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.” (Section 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.” (Section IV.B)

FACTUAL BACKGROUND

Marlon Castillo Moreno, a Honduran citizen who entered the United States in July 2019, was arrested and detained by ICE on September 24, 2025. ICE charged him with inadmissibility under INA § 212(a)(6)(A)(i), and he was detained at the North Lake Processing Center in Michigan. He had not received a bond hearing and was scheduled for a hearing before the Detroit Immigration Court on February 10, 2026.

PROCEDURAL HISTORY

Petitioner filed the combined habeas petition and complaint on November 19, 2025. The Court ordered Respondents to show cause, Respondents filed responses, and Petitioner filed a reply. The Court declined to require or enforce prudential exhaustion, reached the merits, conditionally granted habeas relief, and ordered a bond hearing or release.

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 for denial.

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)
- United States v. California Care Corp., 709 F.2d 1241, 1248 (9th Cir. 1983)
- Sterkaj v. Gonzales, 439 F.3d 273, 279 (6th Cir. 2006)
- Loper Bright Enterprises v. Raimondo, 144 S. Ct. 2244, 2266, 2273 (2024)
- Shalala v. Illinois Council on Long Term Care, Inc., 529 U.S. 1, 13 (2000)
- Matter of Yajure Hurtado, 29 I&N Dec. 216, 229 (BIA 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)
- Lopez-Campos v. Raycraft, No. 2:25-cv-12486, 2025 WL 2496379, at *4-*6, *9 (E.D. Mich. Aug. 29, 2025)
- Pizarro Reyes v. Raycraft, No. 25-cv-12546, 2025 WL 2609425, at *3-*5 (E.D. Mich. Sept. 9, 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 287-89 (2018)
- Dubin v. United States, 143 S. Ct. 1557, 1567-68 (2023)
- Yates v. United States, 574 U.S. 528, 537, 552 (2015)
- 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)