

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Jose Calderon Mendez v. Kevin Raycraft, et al.

Calderon Mendez v. Raycraft · No. 2:26-cv-10444 · Decided March 5, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan grants Jose Calderon Mendez’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court holds that 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governs his detention and that detention without a bond hearing violates due process. The court orders his immediate release or a bond hearing within seven days and enjoins detention under § 1225(b)(2)(A).

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Brandy R. McMillion
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	March 5, 2026
DOCKET	2:26-cv-10444
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from allegedly unlawful immigration detention without a bond hearing. The district court granted the petition and ordered immediate release or a bond hearing within seven days.
STANDARD OF REVIEW	The court reviewed the habeas petition under 28 U.S.C. § 2241(c)(3) to determine whether Petitioner was in custody in violation of the Constitution or laws of the United States. The petition was decided on the briefs and the existing record.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

- immigration detention
- removal proceedings
- statutory interpretation
- due process
- injunctions

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the United States Secretary of Homeland Security was a proper respondent under the immediate-custodian rule and its exception for transfers intended to evade habeas review.
2. Whether Calderon Mendez's detention was governed by 8 U.S.C. § 1226(a) or the mandatory-detention provision in 8 U.S.C. § 1225(b)(2)(A).
3. Whether detention without a bond hearing violated Calderon Mendez's due process rights.
4. Whether the court should order immediate release, a bond hearing, and an injunction against detention under § 1225(b)(2)(A).

HOLDINGS

1. Although the immediate-custodian rule generally applies to immigration habeas petitioners, the exception recognized in *Roman v. Ashcroft* applies where the court is concerned that detainees may be transferred between districts to evade habeas review. The Detroit ICE Field Office Director and the Secretary of Homeland Security therefore remained proper respondents, while DHS, the Attorney General, and EOIR were dismissed.
2. Section 1226(a), rather than § 1225(b)(2)(A), governed Calderon Mendez's detention because he was apprehended in the United States and placed in removal proceedings, not treated as an arriving applicant for admission. The Government's broad interpretation of mandatory detention under § 1225(b)(2)(A) was contrary to the statutory text, structure, congressional intent, and longstanding agency practice.
3. Detention of Calderon Mendez under the mandatory-detention framework without a bond hearing violated his due process rights.

KEY QUOTATIONS

“Respondent is HEREBY ORDERED to immediately release Calderon Mendez, or in the alternative, provide him with a bond hearing under 8 U.S.C. § 1226(a) within seven (7) days of the date of this Order.” (Section IV)

“Section 1226(a) applies to a noncitizen like Calderon Mendez—not § 1225(b)(2)(A)—based on the Court’s prior statutory analysis” (Section III.B)

FACTUAL BACKGROUND

Calderon Mendez, a 49-year-old Guatemalan citizen, entered the United States in 1994 and has three U.S. citizen children, including a seven-year-old child with chronic health issues. His U.S. citizen brother filed a Form I-130 petition on his behalf approximately ten to twelve years earlier. Immigration officers arrested him on January 26, 2026, after he made a wrong turn toward the U.S.-Canada Ambassador Bridge, and DHS charged him as inadmissible for being present without admission or parole. He was detained without a custody determination or bond hearing.

PROCEDURAL HISTORY

Immigration officers arrested Calderon Mendez on January 26, 2026, and DHS placed him in removal proceedings and detained him at the Monroe County Jail. He requested a custody redetermination hearing but had not received a bond hearing when he filed this § 2241 petition. The Government opposed relief, arguing that detention was mandatory under 8 U.S.C. § 1225(b)(2)(A). After briefing, the district court ruled on the record without a hearing, dismissed several respondents, retained the Detroit ICE Field Office Director and the Secretary of Homeland Security, and granted habeas relief.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondent was ordered to immediately release Calderon Mendez or, alternatively, provide a bond hearing under 8 U.S.C. § 1226(a) within seven days of March 5, 2026. Respondent was enjoined from detaining him under 8 U.S.C. § 1225(b)(2)(A) and ordered to file a compliance status report by March 17, 2026.

CASES CITED

- Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004)
- Zadvydas v. Davis, 533 U.S. 678, 687 (2001)
- AARP v. Trump, 145 S. Ct. 1364, 1367 (2025)
- Roman v. Ashcroft, 340 F.3d 314, 322, 326 (6th Cir. 2003)
- Lopez-Campos v. Raycraft, 797 F. Supp. 3d 771 (E.D. Mich. 2025)
- Sandoval v. Raycraft, 2025 WL 2977517 (E.D. Mich. Oct. 17, 2025)
- Contreras-Cervantes v. Raycraft, 2025 WL 2952796 (E.D. Mich. Oct. 17, 2025)
- Pacheco Mayen v. Raycraft, 2025 WL 2978529 (E.D. Mich. Oct. 17, 2025)
- Casio-Mejia v. Raycraft, 2025 WL 2976737 (E.D. Mich. Oct. 21, 2025)
- Santos Franco v. Raycraft, 2025 WL 2977118 (E.D. Mich. Oct. 21, 2025)
- Velasco-Sanchez v. Raycraft, 2025 WL 3553672 (E.D. Mich. Dec. 11, 2025)
- Buenrostro-Mendez v. Bondi, 166 F.4th 494, 508-521 (5th Cir. 2026)
- Martinez-Elvir v. Olson, 807 F. Supp. 3d 725, 741 (W.D. Ky. 2025)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION JOSE CALDERON MENDEZ, Petitioner, Case No. 2:26-cv-10444 v. Hon. Brandy R. McMillion United States District Judge KEVIN RAYCRAFT, et al, Respondents. / OPINION AND ORDER GRANTING WRIT OF HABEAS CORPUS (ECF NO. 1) Petitioner Jose Calderon Mendez (“Calderon Mendez” or “Petitioner”) has filed a Petition for Writ of Habeas Corpus

(“Petition”), pursuant to 28 U.S.C. § 2241, alleging he is being unlawfully detained at the Monroe County Jail in violation of the Immigration and Nationality Act (“INA”).

See generally ECF No. 1. Calderon Mendez, a Guatemalan citizen, entered the United States more than 30 years ago. ECF No. 1, PageID.7. He has three U.S. citizen children, the youngest of whom has chronic health issues, and a U.S. citizen brother who has applied for Calderon Mendez to obtain immigration status through an I-130 form filed with the United States Citizenship and Immigration Services (“USCIS”) over ten years ago.

Id. at PageID.7-8. Despite this, and his lack of criminal history, Respondents are holding Calderon Mendez without the opportunity for a bond hearing after immigration officers arrested him on January 26, 2026. Id. For the reasons below, this Court finds that Calderon Mendez’s detention without a bond hearing is unlawful, a violation of his due process rights, and orders his immediate release, or in the alternative, a bond hearing within seven (7) days.

Accordingly, his Petition for Writ of Habeas Corpus (ECF No. 1) is GRANTED. I. Calderon Mendez is a 49-year-old Guatemalan who entered the United States over 30 years ago in 1994. ECF No. 1, PageID.7. He has three U.S. citizen children, ages 20, 17, and 7—the youngest of whom suffers from chronic health issues. Id. at PageID.7-8. Petitioner also has a U.S. citizen brother who filed a Form I-130 petition with USCIS on his behalf approximately 10-12 years ago to obtain lawful immigration status for him.

Id. at PageID.8.1 On January 26, 2026, immigration officers arrested Calderon Mendez after he made a wrong turn toward the U.S./Canada Ambassador Bridge. ECF No. 5, PageID.72. After arrest, DHS placed him into removal proceedings before the Detroit Immigration Court pursuant to 8 U.S.C. § 1229a. ECF No. 1, PageID.8. DHS charged Petitioner as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for being 1 Respondents allege that this application was granted but that Petitioner never sought an immigrant visa.

ECF No. 5, PageID.72. present in the United States without admission or parole, then transferred him to the Monroe County Jail. Id. Petitioner alleges he never received a custody determination and instead is being detained without an opportunity to post bond or to be released on conditions. Id. Calderon Mendez has requested a redetermination hearing before an Immigration Judge.

Id. To date, Petitioner remains detained at the Monroe County Jail and has not been afforded a bond hearing, so he seeks habeas relief from this Court. The Government responds that under 8 U.S.C. § 1225(b)(2)(A), Calderon Mendez is properly detained because he falls in a category of noncitizens that the statute mandates be detained pending removal proceedings.

See generally ECF No. 5. The Petition was adequately briefed; therefore, a hearing is unnecessary. See ECF Nos. 1, 2, 5; see E.D. Mich. L.R. 7.1(f)(2). As the Petition is now ripe for decision, the Court will rule on the record before it. Id. II. Habeas relief is available when a person is “in

custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). “All agree that absent suspension, the writ of habeas corpus remains available to every individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl.

2). Habeas relief is equally available to non-citizens being held in immigration-related matters. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); see also *AARP v Trump*, 145 S.Ct. 1364, 1367 (2025). III. A. PROPER RESPONDENTS Petitioner files this action against Kevin Raycraft (“Raycraft”), Director of the Detroit Field Office of ICE’s Enforcement and Removal Operations division; Kristi Noem (“Secretary Noem”), Secretary of the U.S. Department of Homeland Security; the U.S. Department of Homeland Security (“DHS”); Pam Bondi, U.S. Attorney General; and the Executive Office for Immigration Review (“EOIR”).

ECF No. 1, PageID.6-7. In response, the Government contends that Petitioner’s claims should be maintained against just Raycraft as the only proper respondent. ECF No. 5, PageID.74. In *Roman v. Ashcroft*, 340 F.3d 314, 322, 326 (6th Cir. 2003), the Sixth Circuit held that while “the immediate custodian rule generally applies to alien habeas corpus petitioners[,]” “an exception might be appropriate if the INS were to exercise its transfer power in a clear effort to evade an alien’s habeas petitions.” *Id.* at 322, 326.

The Court finds that here, the exception is applicable, given the Court’s concern about ICE’s practice of moving detainees between districts. Accordingly, keeping the United States Secretary of Homeland Security as a party in the case is warranted to ensure that Respondents maintain authority to enforce this Court’s grant of habeas relief and order that Petitioner receive a bond hearing or, alternatively, be released even if Petitioner is transferred out of the district under Raycraft’s control.

The Court will therefore retain the Detroit ICE Field Office Director and the United States Secretary of Homeland Security as Respondents. The Court will dismiss the United States Department of Homeland Security, the United States Attorney General, and the Executive Office for Immigration Review as Respondents. B. STATUTORY INTERPRETATION The Court next turns to the central question in this case: which detention framework properly applies to Calderon Mendez?

According to Petitioner, it is § 1226, so the Government is violating the INA by instead applying § 1225(b)(2). This Court has previously ruled that §1226(a) applies and finds the facts of this case warrant the same result. See *Lopez Campos*, 2025 WL 2496379. Section 1225(b)(2)(A) deals with “inspection and removal of arriving aliens,” directing that immigration officials “shall” detain “an applicant for admission if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A).

Section 1226, on the other hand, applies when dealing with “apprehension and detention of aliens,” upon “a warrant issued by the Attorney General, an alien may be arrested or detained pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a).

The Court therefore rejects Respondent’s overly broad reading of Section 1225(b)(2)(A) and finds it contrary to the plain language of the statutes, the overall structure, the intent of Congress, and over 30 years of agency action. Section 1226(a) applies to a noncitizen like Calderon Mendez—not § 1225(b)(2)(A)—based on the Court’s prior statutory analysis in: *Lopez-Campos v. Raycraft*, 797 F. Supp. 3d 771 (E.D.

Mich. 2025); *Sandoval v. Raycraft*, --- F. Supp. 3d ----, No. 2:25-CV- 12987, 2025 WL 2977517 (E.D. Mich. Oct. 17, 2025); *Contreras-Cervantes v. Raycraft*, --- F. Supp. 3d ----, No. 2:25-CV-13073, 2025 WL 2952796 (E.D. Mich. Oct. 17, 2025); *Pacheco Mayen v. Raycraft*, --- F. Supp. 3d ----, No. 2:25-CV-13056, 2025 WL 2978529 (E.D. Mich. Oct. 17, 2025); *Casio-Mejia v. Raycraft*, --- F. Supp. 3d ----, No. 2:25-CV-13032, 2025 WL 2976737 (E.D.

Mich. Oct. 21, 2025); *Santos Franco v. Raycraft*, --- F. Supp. 3d ---, No. 2:25-CV-13188, 2025 WL 2977118 (E.D. Mich. Oct. 21, 2025); *Velasco-Sanchez v. Raycraft*, --- F. Supp. 3d ----, No. 2:25-CV-13730, 2025 WL 3553672 (E.D. Mich. Dec. 11, 2025).^{2 2} To the extent that Respondents rely on the recent decision in *Buenrostro-Mendez v. Bondi*, No. 25-20496, 166 F.4th 494 (5th Cir.

Feb. 6, 2026) to support its argument that § 1225(b)(2) applies, the Court rejects that for the reasons set forth in the dissent of that opinion. See 166 F.4th at 508- 521 (J. Douglas Dissent). Moreover, the Respondents recognize that the holding in *Buenrostro- Mendez* is not binding on this Court, and the Court instead is persuaded by the multitude of other opinions that have held the opposite.

See *Martinez-Elvir v. Olson*, 807 F. Supp. 3d 725, 741 (W.D. Ky. 2025) (collecting cases within the Sixth Circuit). C. DUE PROCESS Calderon Mendez also argues that his continued detention violates due process. Respondent refutes his argument on the grounds that (1) the agency is merely complying with controlling law; (2) Petitioner received notice of the charges against him, has not been denied access to counsel, attended a hearing before an immigration judge, can request bond and appeal any immigration court bond decision, and has only been detained for a few months; and (3) unlawful detention does not constitute unconstitutional detention.

ECF No. 5, PageID.92-93. The Court again agrees with Petitioner. Calderon Mendez’s detention under the mandatory detention framework violates his due process rights for the reasons previously stated in this Court’s Due Process analysis in: *Lopez-Campos v. Raycraft*, 797 F. Supp. 3d 771 (E.D. Mich. 2025); *Sandoval v. Raycraft*, --- F. Supp. 3d ----, No. 2:25-CV- 12987, 2025 WL 2977517 (E.D.

Mich. Oct. 17, 2025); Contreras-Cervantes v. Raycraft, --- F. Supp. 3d ----, No. 2:25-CV-13073, 2025 WL 2952796 (E.D. Mich. Oct. 17, 2025); Pacheco Mayen v. Raycraft, --- F. Supp. 3d ----, No. 2:25-CV-13056, 2025 WL 2978529 (E.D. Mich. Oct. 17, 2025); Casio-Mejia v. Raycraft, --- F. Supp. 3d ----, No. 2:25-CV-13032, 2025 WL 2976737 (E.D. Mich. Oct. 21, 2025); Santos Franco v. Raycraft, --- F. Supp. 3d ---, No. 2:25-CV-13188, 2025 WL 2977118 (E.D.

Mich. Oct. 21, 2025); Velasco-Sanchez v. Raycraft, --- F. Supp. 3d ----, No. 2:25- CV-13730, 2025 WL 3553672 (E.D. Mich. Dec. 11, 2025). D. REMAINING CLAIMS AND REQUESTED FORMS OF RELIEF Given that the Court has granted the § 2241 Petition as set forth above, the Court need not address Petitioner's remaining claims and forms of relief. IV.

Accordingly, Calderon Mendez's Petition for Writ of Habeas Corpus (ECF No. 1) is GRANTED. Respondent is HEREBY ORDERED to immediately release Calderon Mendez, or in the alternative, provide him with a bond hearing under 8 U.S.C. § 1226(a) within seven (7) days of the date of this Order. IT IS FURTHER ORDERED that Respondent is ENJOINED from pursuing detention on the basis of 8 U.S.C. § 1225(b)(2)(A).

IT IS FURTHER ORDERED that Respondent shall file a Status Report with this Court on or before March 17, 2026, to certify compliance with this Order. The Status Report shall include if and when the bond hearing occurred, if bond was granted or denied, and if denied, the reasons for that denial. IT IS SO ORDERED. Dated: March 5, 2026 /s/ Brandy R. McMillion Detroit, Michigan Hon. Brandy R. McMillion United States District Judge