

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PRECEDENTIAL VALUE	unpublished district court opinion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)