

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

Isselmou Abdel Aziz v. Kevin Raycraft et al.

Abdel Aziz · No. 1:25-cv-1838 · Decided January 6, 2026

SUMMARY

The United States District Court for the Western District of Michigan conditionally grants an immigration detainee’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court concludes that detention is governed by 8 U.S.C. § 1226(a), rather than the mandatory-detention provision of § 1225(b)(2)(A), and that the existing detention framework violates the petitioner’s Fifth Amendment due process rights. Respondents must provide a bond hearing within five business days or release the petitioner, and certain respondents are dismissed.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Robert J. Jonker
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	January 6, 2026
DOCKET	1:25-cv-1838
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 and emergency injunctive relief challenging his immigration detention. The court conditionally granted the petition and ordered a bond hearing or release.
STANDARD OF REVIEW	The opinion applied de novo legal analysis to the statutory and constitutional questions presented in the § 2241 habeas petition.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Isselmou Abdel Aziz v. Kevin Raycraft et al.

TOPICS

- immigration detention
- due process
- procedural due process
- statutory interpretation
- civil procedure

PRACTICE AREAS

immigration detention

habeas corpus

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether prudential exhaustion of administrative remedies should bar Petitioner's § 2241 challenge to his immigration detention.
2. Whether 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in 8 U.S.C. § 1225(b)(2)(A), governs detention of a noncitizen who had resided in the United States and was apprehended within the country.
3. Whether Petitioner's detention under the mandatory-detention framework violated the Fifth Amendment Due Process Clause.
4. Which government officials and entities were proper respondents in the habeas action.

HOLDINGS

1. The court declined to enforce prudential exhaustion against Petitioner and alternatively concluded that waiver of exhaustion was appropriate.
2. Section 1226(a), not 8 U.S.C. § 1225(b)(2)(A), governs detention of noncitizens who have resided in the United States and were already within the country when apprehended and arrested.
3. Petitioner's continued detention under the mandatory-detention framework of § 1225(b)(2)(A) violated the Due Process Clause of the Fifth Amendment.
4. The ICE Detroit Field Office Director and the Secretary of the Department of Homeland Security were proper respondents, while the Department of Homeland Security, the Attorney General, and the Executive Office for Immigration Review were dismissed as respondents.

KEY QUOTATIONS

“The Court will order Respondents to provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) within five business days of the date of this Court’s opinion and judgment or, in the alternative, immediately release Petitioner from custody.” (Conclusion)

FACTUAL BACKGROUND

Petitioner, a citizen of Mauritania, entered the United States near San Ysidro, California, on or about March 5, 2023, without being admitted or paroled. Homeland Security issued a notice to appear charging inadmissibility under INA § 212(a)(6)(A)(i), and Petitioner was initially released on his own recognizance. ICE arrested him at a gas station on October 9, 2025, and he remained detained without an opportunity to post bond or obtain release under other conditions.

PROCEDURAL HISTORY

Petitioner filed a counseled § 2241 petition and complaint for emergency injunctive relief on December 18, 2025. The court issued an order to show cause, Respondents filed a response, and Petitioner filed a reply. The

court declined to enforce prudential exhaustion, alternatively waived exhaustion, reached the merits, conditionally granted habeas relief, retained certain respondents, and dismissed others.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents were ordered to 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. Respondents were also ordered to file a status report within six business days certifying compliance and describing the hearing, bond decision, and any bond conditions or reasons for denial.

CASES CITED

- Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004)
- Zadvydas v. Davis, 533 U.S. 678, 687 (2001)
- A. A. R. P. v. Trump, 145 S. Ct. 1364, 1367 (2025)
- Antele Cobix v. Raycraft, No. 1:25-cv-1669, 2025 WL 3562651 (W.D. Mich. Dec. 12, 2025)
- Candela Bastidas v. Noem, No. 1:25-cv-1528, 2025 WL 3562638 (W.D. Mich. Dec. 12, 2025)
- Acuna Sanchez v. Noem, No. 1:25-cv-1442, 2025 WL 3562577 (W.D. Mich. Dec. 12, 2025)
- Penagos Robles v. U.S. Dep't of Homeland Sec., No. 1:25-cv-1578, 2025 WL 3558128 (W.D. Mich. Dec. 12, 2025)