

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

Jesus Orlando Perez Fuentes v. Kevin Raycraft et al.

No. 1:26-cv-598, United States District Court for the Western District of Michigan, Southern Division (March 6, 2026)

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted Jesus Orlando Perez Fuentes’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 mandatory detention under § 1225(b)(2)(A), governed his detention and ordered respondents to provide a bond hearing or release him.

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	March 6, 2026
DOCKET	1:26-cv-598
DISPOSITION	writ_granted
PROCEDURAL POSTURE	A detained noncitizen filed a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a complaint seeking declaratory and injunctive relief. The district court conditionally granted habeas relief and ordered a bond hearing or immediate release.
STANDARD OF REVIEW	The court reviewed the legality of Petitioner's immigration detention under 28 U.S.C. § 2241 and considered whether prudential exhaustion should be enforced or waived.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Jesus Orlando Perez Fuentes v. Kevin Raycraft et al.

TOPICS

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

PRACTICE AREAS

immigration

constitutional law

habeas corpus

remedies

QUESTIONS PRESENTED

1. Whether prudential exhaustion of administrative remedies should be required before the court adjudicated Petitioner's § 2241 detention challenge.
2. Whether 8 U.S.C. § 1226(a) or the mandatory detention provision in 8 U.S.C. § 1225(b)(2)(A) governed Petitioner's detention.
3. Whether Petitioner's detention under the § 1225(b)(2)(A) mandatory detention framework violated the Fifth Amendment's Due Process Clause.
4. Whether the Detroit ICE Field Office Director was the only proper respondent in the habeas action.

HOLDINGS

1. The court declined to enforce prudential exhaustion and alternatively concluded that waiver of exhaustion was appropriate.
2. Section 1226(a), rather than § 1225(b)(2)(A), governs noncitizens who have resided in the United States and were already within the country when apprehended and arrested.
3. Petitioner's current detention under the mandatory detention framework of § 1225(b)(2)(A) violated the Fifth Amendment's Due Process Clause.
4. The Detroit ICE Field Office Director was not the only proper respondent; the court retained the Detroit ICE Field Office Director, the Acting Director of ICE, and the Secretary of Homeland Security as respondents.

KEY QUOTATIONS

“Because Petitioner is within his appeal period, Petitioner’s order of removal is not “administratively final” for purposes of the INA.” (Discussion II)

“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” (Discussion V.A)

“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” (Discussion V.B)

FACTUAL BACKGROUND

Petitioner, a Venezuelan national, entered the United States through the San Ysidro Port of Entry on October 7, 2023, was issued a notice to appear, and was paroled into the country for two years. He later received employment authorization and was taken into ICE custody in Michigan on December 3, 2025. On February 19, 2026, an immigration judge denied a continuance, deemed his asylum application waived or abandoned, and ordered him removed, but the order was not yet administratively final because the appeal period had not expired.

PROCEDURAL HISTORY

Petitioner was one of two petitioners in a combined § 2241 petition. The court severed the claims into separate actions on February 20, 2026, ordered Respondents to show cause, and received their response on March 2, 2026. The court declined to enforce prudential exhaustion, alternatively waived exhaustion, reached the merits, and conditionally granted the petition.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Petitioner a bond hearing under 8 U.S.C. § 1226(a) within five business days of the opinion and judgment, with notice to the parties no later than 24 hours before the hearing, or immediately release Petitioner. Respondents must file a status report within six business days certifying compliance and stating whether the hearing occurred, whether bond was granted or denied, and the applicable conditions or reasons.

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)
- Jusufi v. Chertoff, No. 07-15450, 2007 WL 4591760, at *4 (E.D. Mich. Dec. 28, 2007)
- Johnson v. Guzman Chavez, 594 U.S. 523, 533–35 (2021)
- Buenrostro-Mendez v. Bondi, 166 F.4th 494 (5th Cir. 2026)
- Antele Cobix v. Raycraft, No. 1:25-cv-1669, 2025 WL 3562651
- Candela Bastidas v. Noem, No. 1:25-cv-1528, 2025 WL 3562638
- Acuna Sanchez v. Noem, No. 1:25-cv-1442, 2025 WL 3562577
- Penagos Robles v. U.S. Dep’t of Homeland Sec., No. 1:25-cv-1578, 2025 WL 3558128
- Hernandez Montiel v. Raycraft, No. 1:25-cv-1610, 2026 WL 32076