

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

Freddy Eduardo Boscan-Nava v. Kevin Raycraft et al.

Boscan-Nava · No. 1:26-cv-240 · Decided February 13, 2026

SUMMARY

The United States District Court for the Western District of Michigan conditionally grants Freddy Eduardo Boscan-Nava’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 in § 1225(b)(2)(A), and that the petitioner is entitled to a bond hearing or release. The court also addresses exhaustion and proper respondents, retaining the ICE Detroit Field Office Director and the Secretary of Homeland Security while dismissing other respondents.

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	February 13, 2026
DOCKET	1:26-cv-240
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner filed a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention. After briefing in response to an order to show cause, the district court conditionally granted the petition and ordered a bond hearing or release.
STANDARD OF REVIEW	The court considered the legality of detention under 28 U.S.C. § 2241 and reviewed the asserted exhaustion requirement as a prudential doctrine. The opinion does not identify a separate formal standard-of-review formulation.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Freddy Eduardo Boscan-Nava v. Kevin Raycraft et al.

TOPICS

immigration detention

removal proceedings

procedural due process

due process

statutory interpretation

PRACTICE AREAS

immigration law

habeas corpus

constitutional law

QUESTIONS PRESENTED

1. Whether prudential exhaustion of administrative remedies should be required before the court considered petitioner's § 2241 challenge to immigration detention.
2. Whether 8 U.S.C. § 1225(b)(2)(A) or 8 U.S.C. § 1226(a) governs the detention of a noncitizen who had resided in the United States and was apprehended within the United States.
3. Whether petitioner's detention under the mandatory-detention framework of § 1225(b)(2)(A) violates the Fifth Amendment Due Process Clause.
4. Which respondents were proper parties 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 8 U.S.C. § 1225(b)(2)(A), governs detention of a noncitizen who resided in the United States and was already within the United States when apprehended and arrested.
3. Petitioner's current detention under the mandatory-detention framework of 8 U.S.C. § 1225(b)(2)(A) violates the Fifth Amendment Due Process Clause.
4. The ICE Detroit Field Office Director and the Secretary of the Department of Homeland Security were proper respondents to retain, while the United States Department of Homeland Security, the United States 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 is a Venezuelan citizen who entered the United States without inspection in September 2021 and was later paroled for one year under 8 U.S.C. § 1182(d)(5). DHS issued him a notice to appear charging inadmissibility under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). He later received temporary protected status that ran from July 23, 2024, through April 2, 2025, held a work permit, and had a pending asylum application. ICE subsequently arrested and detained him at the North Lake Processing Center.

PROCEDURAL HISTORY

Petitioner filed an amended § 2241 petition challenging the lawfulness of his ICE detention. The court ordered respondents to show cause; respondents filed a response and petitioner filed a reply. The court declined to enforce prudential exhaustion, reached the merits, conditionally granted habeas relief, retained certain respondents, and dismissed others.

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 or immediately release him. Respondents must file a status report within six business days certifying compliance and stating the hearing date, bond result, bond conditions if granted, or reasons for denial if bond is denied.

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)