

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

Luis Choloquinga Espin v. Kevin Raycraft et al.

Espin · No. 1:25-cv-1730 · Decided December 31, 2025

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted Luis Choloquinga Espin’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 the mandatory-detention provision in § 1225(b)(2)(A), governed his detention and that his detention violated the Fifth Amendment’s Due Process Clause. Respondents were ordered to provide a bond hearing within five business days or release him, and to file a compliance status report.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Paul L. Maloney
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	December 31, 2025
DOCKET	1:25-cv-1730
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner brought a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention and seeking a bond hearing or release.
STANDARD OF REVIEW	The court reviewed the legality of petitioner's federal detention under 28 U.S.C. § 2241 and considered whether prudential exhaustion should be enforced or waived.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Luis Choloquinga Espin v. Kevin Raycraft et al.

TOPICS

- immigration detention
- procedural due process
- due process
- removal proceedings
- civil procedure

PRACTICE AREAS

immigration law

habeas corpus

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether prudential exhaustion of administrative remedies should bar Espin's § 2241 habeas petition.
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 Espin's detention under the mandatory-detention framework of § 1225(b)(2)(A) violates the Fifth Amendment 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 held that waiver of exhaustion was appropriate.
2. For a noncitizen who had resided in the United States and was already within the country when apprehended and arrested, 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b)(2)(A), governs detention.
3. Espin'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 Detroit ICE Field Office Director was not the only proper respondent; the court retained that official and the Secretary of Homeland Security and dismissed the Attorney General as a respondent.

FACTUAL BACKGROUND

Luis Choloquinga Espin is a native and citizen of Ecuador who entered the United States in May 2023 without inspection. DHS issued him a notice to appear charging inadmissibility under INA § 212(a)(6)(A)(i), and he was permitted to remain in the United States, where he lived with his wife and two children in Illinois. ICE arrested him at an Illinois bus stop on October 22, 2025, while he was scheduled for a master calendar hearing in the Detroit Immigration Court.

PROCEDURAL HISTORY

Espin initially was one of twenty-five petitioners in a combined § 2241 petition filed on November 24, 2025. The court severed the petitioners' claims into separate actions, ordered the respondents to show cause, received the respondents' response and Espin's reply, and conditionally granted Espin's petition.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Espin 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 must file a status report within six business days certifying compliance and reporting the outcome and conditions of any bond decision.

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)

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