

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PRECEDENTIAL VALUE	unpublished district court opinion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 Choloquina 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)
- Antelex 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)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION _____ LUIS CHOLOQUINGA ESPIN, Petitioner, Case No. 1:25-cv-1730 v. Honorable Paul L. Maloney KEVIN RAYCRAFT et al., Respondents. _____/ OPINION Petitioner initiated this action on November 24, 2025, by filing a counseled combined petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.1 (Pet., ECF No. 1.)

For the following reasons, the Court will conditionally grant Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Discussion I. Procedural History In Petitioner's § 2241 petition, Petitioner challenges the lawfulness of his current detention and asks the Court to, inter alia, accept jurisdiction over this action, declare that Respondents' actions to detain Petitioner violate the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act (INA), and issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241 ordering Respondents to conduct a bond hearing for Petitioner's removal proceedings or release Petitioner.

(Pet., ECF No. 1, PageID.21.) 1 Petitioner was one of twenty-five petitioners named in the § 2241 petition. In an order entered on December 10, 2025, the Court severed the claims of the petitioners into twenty-five separate actions. (Order, ECF No. 7.) Petitioner's claims proceed in the present action.

In an order entered on December 17, 2025, the Court directed Respondents to show cause, within three business days, why the writ of habeas corpus and other relief requested by Petitioner should not be granted. (Order, ECF No. 9.) Respondents filed their response on December 19, 2025, (ECF No. 10), and Petitioner filed his reply on December 22, 2025, (ECF No. 11).

II. Factual Background Petitioner is a native and citizen of Ecuador. (Pet., ECF No. 1, PageID.10; Notice to Appear (NTA), ECF No. 10-2, PageID.70.) Petitioner entered the United States in May of 2023 without inspection. (Pet., ECF No. 1, PageID.10; NTA, ECF No. 10-2, PageID.70.)

After Petitioner entered the United States, the Department of Homeland Security encountered Petitioner on July 18, 2023. (See NTA, ECF No. 10-2, PageID.70.) At that time, ICE issued Petitioner a Form I-862, NTA, charging Petitioner with inadmissibility under § 212(a)(6)(A)(i) of the INA because Petitioner is an immigrant “present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.” (Id.)

Petitioner was then permitted to enter the United States,² and prior to his present detention, he resided in Illinois with his wife and two children. (Pet., ECF No. 1, PageID.9.) On October 22, 2025, ICE encountered Petitioner at a bus stop in Illinois and arrested him. (Id.) Petitioner was scheduled for a master calendar hearing on December 23, 2025, in the Detroit Immigration Court.³ (Notice of In-Person Hearing, ECF No. 10-3.)

² In Petitioner’s reply, Petitioner states that he was “released [into the United States] pursuant to 8 U.S.C. § 1182(d)(5)(A)” (Reply, ECF No. 11, PageID.78); however, based on the information pertaining specifically to Petitioner’s entry into the United States, it is not clear that Petitioner was released into the United States pursuant to 8 U.S.C. § 1182(d)(5)(A).

³ The parties do not provide any other information about the December 23, 2025, hearing. III. Habeas Corpus Legal Standard The Constitution guarantees that the writ of habeas corpus is “available to every individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2). Section 2241 of Title 28 confers the federal courts with the power to issue writs of habeas corpus to persons “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241.

This includes challenges by non-citizens in immigration- related matters. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); see also *A. A. R. P. v. Trump*, 145 S. Ct. 1364, 1367 (2025). IV. Exhaustion Respondents argue that the Court should deny Petitioner’s request for habeas corpus relief because Petitioner has not exhausted his administrative remedies. Specifically, Respondents argue that Petitioner should pursue a bond hearing and, if necessary, appeal any unfavorable decision to the Board of Immigration Appeals (BIA).

The Court declines to enforce the doctrine of prudential exhaustion against Petitioner, and even if the Court were to conclude that exhaustion is warranted, the Court concludes in the alternative that waiver of exhaustion is appropriate, for the reasons set forth in the Court’s exhaustion analysis in each of the following cases: *Antele Cobix v. Raycraft*, No. 1:25-cv-1669, 2025 WL 3562651, at *2–3 (W.D.

Mich. Dec. 12, 2025); *Candela Bastidas v. Noem*, No. 1:25-cv- 1528, 2025 WL 3562638, at *2–4 (W.D. Mich. Dec. 12, 2025); *Acuna Sanchez v. Noem*, No. 1:25- cv-1442, 2025 WL 3562577, at *2–4 (W.D. Mich. Dec. 12, 2025); *Penagos Robles v. U.S. Dep’t of Homeland Sec.*, No. 1:25-cv-1578, 2025 WL 3558128, at *2–3 (W.D. Mich. Dec. 12, 2025).

Accordingly, the Court will proceed to address the merits of Petitioner’s § 2241 petition. V. Merits Discussion A. Statutory Basis for Petitioner’s Detention Petitioner contends that Respondents have violated the INA by concluding that Petitioner is detained pursuant to the mandatory detention provisions set forth in 8 U.S.C. § 1225(b)(2). Respondents, however, contend that Petitioner meets every element for detention under § 1225(b)(2), and that the statute’s structure and history support Respondents’ interpretation.

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 for the reasons set forth in the Court’s statutory analysis in each of the following cases: *Antele Cobix v. Raycraft*, No. 1:25-cv-1669, 2025 WL 3562651, at *3–6 (W.D.

Mich. Dec. 12, 2025); *Candela Bastidas v. Noem*, No. 1:25-cv-1528, 2025 WL 3562638, at *4–6 (W.D. Mich. Dec. 12, 2025); *Acuna Sanchez v. Noem*, No. 1:25-cv-1442, 2025 WL 3562577, at *4–7 (W.D. Mich. Dec. 12, 2025); *Penagos Robles v. U.S. Dep’t of Homeland Sec.*, No. 1:25- cv-1578, 2025 WL 3558128, at *3–6 (W.D. Mich. Dec. 12, 2025). B. Fifth Amendment Due Process Considerations Petitioner also argues that his detention violates the Fifth Amendment’s Due Process Clause.

Respondents counter Petitioner’s arguments by stating that Petitioner has received notice of the charges against him, has access to counsel, is scheduled to attend hearings with an immigration judge, has the right to appeal the denial of any request for bond, and has been detained by ICE for a relatively short period time.

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 for the reasons set forth in the Court’s constitutional analysis in each of the following cases: *Antele Cobix v. Raycraft*, No. 1:25-cv-1669, 2025 WL 3562651, at *6–8 (W.D. Mich. Dec.

12, 2025); *Candela Bastidas v. Noem*, No. 1:25-cv-1528, 2025 WL 3562638, at *7–8 (W.D. Mich. Dec. 12, 2025); *Acuna Sanchez v. Noem*, No. 1:25-cv-1442, 2025 WL 3562577, at *7–9 (W.D. Mich. Dec. 12, 2025); *Penagos Robles v. U.S. Dep’t of Homeland Sec.*, No. 1:25-cv-1578, 2025 WL 3558128, at *6–8 (W.D. Mich. Dec. 12, 2025). VI. Other Claims and Other Forms of Relief Because the Court will conditionally grant Petitioner’s § 2241 petition as set forth herein, the Court does not address other claims and other requested relief in Petitioner’s § 2241 petition.

VII. Proper Respondents Respondents argue that the Detroit ICE Field Office Director is the only proper Respondent in this action, and they seek the dismissal of the other named Respondents. The Court concludes that the Detroit ICE Field Office Director is not the only proper Respondent for the reasons set forth in the Court's analysis of the same argument in each of the following cases: *Antele Cobix v. Raycraft*, No. 1:25-cv-1669, 2025 WL 3562651, at *8–9 (W.D.

Mich. Dec. 12, 2025); *Candela Bastidas v. Noem*, No. 1:25-cv-1528, 2025 WL 3562638, at *8–9 (W.D. Mich. Dec. 12, 2025); *Acuna Sanchez v. Noem*, No. 1:25-cv-1442, 2025 WL 3562577, at *9–10 (W.D. Mich. Dec. 12, 2025); *Penagos Robles v. U.S. Dep't of Homeland Sec.*, No. 1:25-cv-1578, 2025 WL 3558128, at *9–10 (W.D. Mich. Dec. 12, 2025).

To ensure that this Court's orders regarding a hearing or release will bind at least one Respondent with authority to act in the event that Petitioner is transferred out of the Western District of Michigan, the Court will retain the Detroit ICE Field Office Director and the United States Secretary of Homeland Security as Respondents.

The Court will dismiss the Attorney General of the United States as a Respondent. Conclusion For the reasons discussed above, the Court will enter a judgment conditionally granting Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1.)

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.⁴ The Court will also order Respondents to file a status report within six business days of the date of this Court's opinion and judgment to certify compliance with this opinion and the corresponding judgment.

The status report shall include if and when the bond hearing occurred, if bond was granted or denied, and if bond was granted, the conditions of the bond, or if bond was denied, the reasons for the denial. Further, the Court will dismiss the Attorney General of the United States as a Respondent. Dated: December 31, 2025 /s/ Paul L. Maloney Paul L. Maloney United States District Judge 4 This Court has adopted a standard practice of requiring such a hearing within five business days, even if the Petitioner requests a deadline that is shorter or longer.