

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

Ubaldino Duque Tenas v. Kevin Raycraft et al.

Duque Tenas · No. 1:25-cv-1711 · Decided December 19, 2025

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted Ubaldino Duque Tenas’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that detention of a noncitizen who had resided in the United States and was apprehended within the country is governed by 8 U.S.C. § 1226(a), rather than the mandatory-detention provision of § 1225(b) (2)(A), and that the detention framework violated due process. Respondents were ordered to provide a bond hearing within five business days or release the petitioner, and certain respondents were dismissed.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Hala Y. Jarbou
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	December 19, 2025
DOCKET	1:25-cv-1711
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention without a bond hearing.
STANDARD OF REVIEW	The court reviewed the legality of petitioner's custody under 28 U.S.C. § 2241 and considered whether the detention violated the Fifth Amendment Due Process Clause. The opinion does not state a separately labeled standard of review.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown

TOPICS

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

PRACTICE AREAS

immigration law

habeas corpus

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the court should enforce prudential exhaustion of administrative remedies before considering petitioner's § 2241 challenge to immigration detention.
2. Whether 8 U.S.C. § 1225(b)(2)(A), or instead 8 U.S.C. § 1226(a), governs the detention of a noncitizen who had resided in the United States and was apprehended within the country.
3. Whether petitioner's detention without a bond hearing under the mandatory-detention framework violated the Fifth Amendment Due Process Clause.
4. Which respondents were proper parties capable of complying with an order for a bond hearing or release.

HOLDINGS

1. The court declined to enforce prudential exhaustion against petitioner and held in the alternative that waiver of exhaustion was appropriate.
2. Section 1226(a), rather than § 1225(b)(2)(A), governs detention of a noncitizen who has resided in the United States and was already present in the country when apprehended and arrested.
3. Petitioner's continued detention under the mandatory-detention framework of § 1225(b)(2)(A) violated 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, while the United States Department of Homeland Security, the Attorney General, the Executive Office for Immigration Review, and the Warden of North Lake Processing Center were dismissed as respondents.

KEY QUOTATIONS

“available to every individual detained within the United States.” (Section III)

“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 citizen of Guatemala who entered the United States without inspection in June 2019 and remained in the country thereafter. The Department of Homeland Security issued him a notice to appear charging inadmissibility under INA § 212(a)(6)(A)(i), and he was initially released on supervision or on his own recognizance. ICE agents arrested him in June 2025 while he was driving near his home, and he was detained at the North Lake Processing Center without a bond hearing.

PROCEDURAL HISTORY

Petitioner filed a counseled § 2241 petition on December 18, 2025, challenging his detention and requesting release or a constitutionally sufficient bond hearing. The court ordered respondents to show cause, received respondents' response and petitioner's reply, declined to enforce prudential exhaustion, and conditionally granted the petition. The court ordered a bond hearing within five business days or immediate release, required a compliance status report, retained certain respondents, and dismissed others.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must 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 petitioner. Respondents must file a status report within six business days certifying compliance and stating whether a bond hearing occurred, whether bond was granted or denied, and the relevant 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)

OPINION

Raycraft

PER CURIAM.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UBALDINO DUQUE TENAS,

Petitioner, Case No. 1:25-cv-1711 v. Honorable Hala Y. Jarbou KEVIN RAYCRAFT et al.,
Respondents. _____/

OPINION

Petitioner, a United States Immigration and Customs Enforcement (ICE) detainee currently detained at the North Lake Processing Center located in Baldwin, Lake County, Michigan,

initiated this action on December 18, 2025, by filing a counseled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. (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, 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 either ordering Respondents to release Petitioner or ordering Respondents to conduct a bond hearing to satisfy the requirements of due process. (Pet., ECF No. 1, PageID.33.) In an order entered on December 11, 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. 6.) Respondents filed their response on December 15, 2025, (ECF No. 7.), and Petitioner filed his reply on December 17, 2025, (ECF No. 8).

II. Factual Background Petitioner is a citizen of Guatemala. (Pet., ECF No. 1, PageID.9.) He entered the United States without inspection in June 2019, and he has remained here since that time. (Id., PageID.4, 9.) On June 14, 2019, the Department of Homeland Security issued Petitioner a Notice to Appear (NTA), charging Petitioner with inadmissibility under § 212(a)(6)(A)(i) of the Immigration and Nationality Act (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." (NTA, ECF No. 7-1, PageID.109.) Petitioner was subsequently released on an order of supervision or on his own recognizance. (Notice to EOIR, ECF No. 7-1, PageID.111.) In June 2025, ICE agents encountered and arrested Petitioner while Petitioner was driving a vehicle near his home. (Pet., ECF No. 1, PageID.4, 14.) Petitioner is currently detained at North Lake Processing Center without the opportunity for a bond hearing. (Id., PageID.15.)

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 only a 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 all of the other named Respondents. The Court concludes that the ICE Detroit 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 ICE Detroit Field Office Director and the Secretary for the Department of Homeland Security as Respondents. The Court will dismiss the United States Department of Homeland Security, the United States Attorney General, the Executive Office for Immigration Review, and the Warden of North Lake Processing Center as Respondents.

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.¹ 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 United States Department of Homeland Security, the United States Attorney General, the Executive Office for Immigration Review, and the Warden of North Lake Processing Center as Respondents. Dated: December 19, 2025 /s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE

¹ 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.