

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PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown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)