

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Marcelo Gonzalez Lopez v. Kevin Raycraft, etc., et al.

Gonzalez Lopez v. Raycraft · No. 4:25CV2449 · Decided November 25, 2025

SUMMARY

The United States District Court for the Northern District of Ohio conditionally granted Marcelo Gonzalez Lopez’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), governs the detention of a noncitizen who had lived in the United States for many years before being detained and was not seeking lawful entry. Respondents were ordered to provide a bond hearing within 10 business days or release Lopez, and to file a compliance report.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Benita Y. Pearson
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	November 25, 2025
DOCKET	4:25CV2449
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, arguing that his continued immigration detention without a bond hearing violated due process. The district court waived prudential exhaustion, held that 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governed his detention, and conditionally granted the petition.
STANDARD OF REVIEW	The court considered the legal questions presented in the habeas petition and reviewed the statutory detention framework and due process claim de novo; no distinct formal standard of review was stated.
PRECEDENTIAL VALUE	district court memorandum opinion and order; precedential status not stated

PARTIES

Marcelo Gonzalez Lopez v. Kevin Raycraft, Acting Field Director of Enforcement and Removal Operations, Detroit Field Office, ICE, and other respondents

TOPICS

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QUESTIONS PRESENTED

1. Whether the court should waive or excuse prudential administrative exhaustion of Petitioner's detention and due process claims.
2. Whether a noncitizen who has lived in the United States for years and was arrested while already in the country is detained under 8 U.S.C. § 1225(b)(2)(A)'s mandatory-detention provision or 8 U.S.C. § 1226(a)'s discretionary detention provision.
3. Whether Respondents' refusal to provide a bond hearing violated Petitioner's Fifth Amendment due process rights.
4. What relief should be ordered if § 1226(a) governs Petitioner's detention.

HOLDINGS

1. The court may waive prudential administrative exhaustion when exhaustion would be futile, would cause hardship or delay, or would not afford the petitioner the requested relief; exhaustion was waived here.
2. Section 1226(a), not § 1225(b)(2)(A), governs the detention of a noncitizen who has resided in the United States for years and was arrested while already in the country rather than while seeking lawful entry.
3. Because § 1226(a) governs Petitioner's detention, he is entitled to a bond hearing, and Respondents' application of § 1225(b)(2)(A) to deny him that hearing violated his due process rights.

KEY QUOTATIONS

“For the reasons set forth below, the Court conditionally grants the Petition.” (at 1)

“Other district courts within the Sixth Circuit to consider Respondents’ argument have rejected Respondents’ position. These courts have found, as the Court finds here, that noncitizens, like Petitioner, who have spent years in the United States before being detained are subject to § 1226(a)’s discretionary bond provision — not § 1225(b)(2)(A)’s mandatory detention provision.” (at 9)

“Rather, as an immigrant arrested and detained while “already in the country,” Jennings, 583 U.S. at 289, Petitioner falls within § 1226(a)’s default rule.” (at 10)

FACTUAL BACKGROUND

Petitioner, a Guatemalan citizen and native Mayan Quiche speaker, entered the United States near Tucson, Arizona, in October 1998 without admission, parole, or inspection and lived in the United States for more than 27 years. ICE detained him on June 12, 2025, and he remained detained without a bond hearing. DHS charged him as removable or inadmissible under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I), while the immigration court treated his detention as mandatory under INA § 235(b)(2)(A).

PROCEDURAL HISTORY

ICE detained Petitioner on June 12, 2025. An immigration court denied his request for bond redetermination on the ground that he was subject to mandatory detention under INA § 235(b)(2)(A), and the immigration judge alternatively found that he was not a danger and that a \$10,000 bond would mitigate flight risk. Petitioner appealed to the BIA, later received an order of removal after his merits hearing, and filed this § 2241 petition while his BIA appeal was pending. The district court waived exhaustion and ordered a bond hearing or release.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) within 10 business days of the order or immediately release him from custody. Respondents must file a status report within 14 business days certifying compliance and stating when the hearing occurred and whether bond was granted or denied, with reasons for any denial.

CASES CITED

- Trump v. J.G.G., 604 U.S. 670, 673 (2025) (per curiam)
- Shaughnessy v. United States ex rel. Mezei, 345 U.S. 206, 212 (1953)
- McCarthy v. Madigan, 503 U.S. 140, 144 (1992)
- Shearson v. Holder, 725 F.3d 588, 593 (6th Cir. 2013)
- Perkovic v. INS, 33 F.3d 615, 619 (6th Cir. 1994)
- Island Creek Coal Co. v. Bryan, 937 F.3d 738, 747 (6th Cir. 2019)
- Lopez-Campos v. Raycraft, No. 2:25-cv-12486, 2025 WL 2496379, at *4-*6 (E.D. Mich. Aug. 29, 2025)
- United States v. California Care Corp., 709 F.2d 1241, 1248 (9th Cir. 1983)
- Diego v. Raycraft, No. 25-13288, 2025 WL 3159106, at *3-*4 (E.D. Mich. Nov. 12, 2025)
- Shweika v. Department of Homeland Security, No. 1:06-cv-11781, 2015 WL 6541689, at *12 (E.D. Mich. Oct. 29, 2015)
- Shawnee Coal Co. v. Andrus, 661 F.2d 1083, 1093 (6th Cir. 1981)
- Contreras-Lomeli v. Raycraft, No. 2:25-cv-12826, 2025 WL 2976739, at *4 (E.D. Mich. Oct. 21, 2025)
- Cooper v. Zych, No. 09-CV-11620, 2009 WL 2711957, at *2 (E.D. Mich. Aug. 25, 2009)

- Rodriguez v. Bostock, 779 F. Supp. 3d 1239, 1245 (W.D. Wash. 2025)
- Pizarro Reyes v. Raycraft, No. 25-CV-12546, 2025 WL 2609425, at *3 (E.D. Mich. Sept. 9, 2025)
- Hechavarria v. Whitaker, 358 F. Supp. 3d 227, 237 (W.D.N.Y. 2019)
- Contreras-Cervantes v. Raycraft, No. 2:25-cv-13073, 2025 WL 2952796, at *6 (E.D. Mich. Oct. 17, 2025)
- Bangura v. Hansen, 434 F.3d 487, 494 (6th Cir. 2006)
- Jennings v. Rodriguez, 583 U.S. 281, 288-89, 297 (2018)
- Barrera v. Tindall, No. 3:25-cv-541-RGJ, 2025 WL 2690565, at *2, *4 (W.D. Ky. Sept. 19, 2025)
- Morales Chavez v. Director of Detroit Field Office, No. 4:25CV2061, 2025 WL 3187080, at *4, *7 n.6 (N.D. Ohio Nov. 14, 2025)
- Espinoza v. Kaiser, No. 1:25-CV-01101 JLT SKO, 2025 WL 2581185, at *10 (E.D. Cal. Sept. 5, 2025)
- Lopez-Campos v. Raycraft, 2025 WL 2496379, at *6, *8

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