

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

Marcelo Herazo Paso v. Kevin Raycraft et al.

No. 1:25-cv-1716 · No. 1:25-cv-1716 · Decided January 13, 2026

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted Marcelo Herazo Paso’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 provisions of § 1225(b)(2)(A), governed his detention and ordered Respondents to provide a bond hearing or release him. The court also retained the Detroit ICE Field Office Director and the Secretary of Homeland Security as Respondents and dismissed the Attorney General.

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	January 13, 2026
DOCKET	1:25-cv-1716
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention and requesting a bond hearing or release.
STANDARD OF REVIEW	The court reviewed the legality of petitioner's custody under 28 U.S.C. § 2241 and considered whether prudential exhaustion should be required or waived.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Marcelo Herazo Paso v. Kevin Raycraft et al.

TOPICS

- immigration detention
- removal proceedings
- procedural due process
- due process
- statutory interpretation

PRACTICE AREAS

immigration detention

habeas corpus

constitutional law

immigration law

QUESTIONS PRESENTED

1. Whether the court should enforce prudential exhaustion of administrative remedies before considering petitioner's § 2241 challenge to immigration detention.
2. Whether petitioner's detention was governed by the mandatory-detention provisions of 8 U.S.C. § 1225(b)(2)(A) or the discretionary detention authority of 8 U.S.C. § 1226(a).
3. Whether detention under the mandatory-detention framework violated petitioner's Fifth Amendment due process rights.
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 concluded that waiver of exhaustion was appropriate.
2. Section 1226(a), rather than 8 U.S.C. § 1225(b)(2)(A), governs noncitizens who have resided in the United States and were already within the country when apprehended and arrested.
3. Petitioner's current detention under the mandatory-detention framework of 8 U.S.C. § 1225(b)(2)(A) violated the Due Process Clause of the Fifth Amendment.
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 United States Attorney General.

KEY QUOTATIONS

“The Constitution guarantees that the writ of habeas corpus is “available to every individual detained within the United States.”” (Section III)

FACTUAL BACKGROUND

Petitioner, a Venezuelan citizen, entered the United States on June 15, 2023, was paroled into the country, and later filed a pending asylum application. After being placed on alternative-to-detention monitoring, he reported for a scheduled ICE check-in on October 6, 2025, was deemed an absconder, and was arrested. ICE charged him as inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I), and he remained detained at the North Lake Processing Center in Michigan.

PROCEDURAL HISTORY

Paso was one of twenty-five petitioners originally named in a consolidated § 2241 petition. The court severed the petitioners' claims into separate actions, ordered the respondents to show cause, received the parties' briefing, and conditionally granted habeas relief. The court ordered a bond hearing under 8 U.S.C. § 1226(a) within five business days or immediate release, and dismissed the United States Attorney General as a respondent.

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 the hearing occurred, whether bond was granted or denied, and the applicable 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)
- Hernandez Montiel v. Raycraft, No. 1:25-cv-1610, 2026 WL 32076 (W.D. Mich. Jan. 6, 2026)