

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

Marco Corona Lopez v. Kevin Raycraft et al.

No. 2:26-cv-4 (W.D. Mich. Jan. 28, 2026) · No. No. 2:26-cv-4 · Decided January 28, 2026

SUMMARY

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

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Northern Division
WRITING FOR THE COURT	Paul L. Maloney
JURISDICTION	United States District Court for the Western District of Michigan, Northern Division
DECIDED	January 28, 2026
DOCKET	No. 2:26-cv-4
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner filed a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention and seeking release or a bond hearing. The district court conditionally granted the petition and ordered a bond hearing or immediate 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 enforced or waived.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Marco Corona Lopez, Petitioner v. Kevin Raycraft et al., Respondents

TOPICS

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QUESTIONS PRESENTED

1. Whether the court should enforce prudential exhaustion of administrative remedies before considering Petitioner's § 2241 detention challenge.
2. Whether 8 U.S.C. § 1225(b)(2)(A), rather than 8 U.S.C. § 1226(a), governed Petitioner's detention.
3. Whether Petitioner's detention under the mandatory-detention framework of § 1225(b)(2)(A) violated the Fifth Amendment's Due Process Clause.
4. Whether the Detroit ICE Field Office Director was the only proper respondent.
5. What relief and respondent configuration were appropriate if habeas relief was granted.

HOLDINGS

1. The court declined to enforce prudential exhaustion against Petitioner and alternatively concluded that waiver of exhaustion was appropriate.
2. Section 1226(a), not § 1225(b)(2)(A), governs noncitizens who have resided in the United States and were already within the United States when apprehended and arrested.
3. Petitioner's current detention under the mandatory-detention framework of § 1225(b)(2)(A) violated the Fifth Amendment's Due Process Clause.
4. The Detroit ICE Field Office Director was not the only proper respondent. The court retained the Detroit ICE Field Office Director and the Secretary of Homeland Security, while dismissing the Department of Homeland Security, the Attorney General, and the Executive Office for Immigration Review.

KEY QUOTATIONS

“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

Marco Corona Lopez is a native and citizen of Venezuela who entered the United States in September 2022 after DHS permitted him to enter on parole. He later resided in Wisconsin and had work authorization. ICE arrested and detained him on October 23, 2025, while he was driving from work in Michigan, and issued a Notice to Appear charging inadmissibility under INA § 212(a)(6)(A)(i). He was detained at the Chippewa County Correctional Facility and was scheduled for a master calendar hearing in the Detroit Immigration Court.

PROCEDURAL HISTORY

Petitioner was initially one of six petitioners in a § 2241 petition. The court severed the petitioners' claims into separate actions, directed Respondents to show cause, received Respondents' response and Petitioner's reply, and then adjudicated the petition. The court declined to enforce prudential exhaustion, alternatively waived exhaustion, ruled on the statutory and constitutional detention claims, retained certain respondents, dismissed others, and conditionally granted habeas relief.

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 him. Respondents must file a status report within six business days certifying compliance and describing the hearing, bond decision, and any 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)