

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

Kevin Esteven Ortiz Navarro v. Unknown Party #1 et al.

Ortiz Navarro · No. 1:26-cv-275 · Decided February 19, 2026

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted Kevin Esteven Ortiz Navarro’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court concluded that detention was governed by 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in § 1225(b)(2)(A), and ordered a bond hearing within five business days or immediate release. The court dismissed the petitioner’s emergency motion as moot and substituted the appropriate federal respondents.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Jane M. Beckering
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	February 19, 2026
DOCKET	1:26-cv-275
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging his immigration detention and requesting release or a bond hearing. After ordering respondents to show cause and receiving their response, the district court conditionally granted the petition and dismissed petitioner's emergency motion as moot.
STANDARD OF REVIEW	The court reviewed the legality of petitioner's custody under 28 U.S.C. § 2241 and considered whether continued detention violated the Constitution or laws of the United States. The court applied prudential exhaustion principles and statutory and constitutional analysis to the detention claim.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Kevin Esteven Ortiz Navarro v. Unknown Party #1 et al.

TOPICS

immigration detention

removal proceedings

procedural due process

due process

statutory interpretation

PRACTICE AREAS

immigration law

habeas corpus

constitutional law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether prudential exhaustion of administrative remedies should bar petitioner's § 2241 challenge to his immigration detention.
2. Whether 8 U.S.C. § 1225(b)(2)(A) or 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 Due Process Clause.
4. Whether the ICE Detroit Field Office Director was the only proper respondent in the habeas action.

HOLDINGS

1. The court declined to enforce prudential exhaustion against petitioner 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 United States 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 was not the only proper respondent; the court directed substitution of Kevin Raycraft for Immigration and Customs Enforcement and Kristi Noem for the Department of Homeland Security.

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)

“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” (Section V.A)

“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” (Section V.B)

FACTUAL BACKGROUND

Petitioner, a native and citizen of Colombia, entered the United States without inspection in May 2023 and was arrested by Border Patrol. He initially entered expedited removal proceedings, demonstrated credible fear, and was placed in regular removal proceedings; he was also paroled into the United States until June 15, 2024. ICE arrested him on November 27, 2025, while he was leaving his residence, and he remained detained pending a scheduled master calendar hearing in immigration court.

PROCEDURAL HISTORY

Petitioner filed a pro se § 2241 habeas petition and an emergency motion for immediate release or an emergency bond hearing. The court ordered respondents to show cause, respondents filed a response, and the court proceeded to the merits after declining to enforce prudential exhaustion, or alternatively waiving exhaustion. The court conditionally granted habeas relief, ordered a bond hearing or release, dismissed the emergency motion as moot, and substituted the appropriate ICE and DHS officials as respondents.

DISPOSITION

other

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 whether and when the hearing occurred, whether bond was granted or denied, the conditions of any bond, or the 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)
- Buenrostro-Mendez v. Bondi, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026)
- Hernandez Montiel v. Raycraft, No. 1:25-cv-1610, 2026 WL 32076 (W.D. Mich. Jan. 6, 2026)