

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

Luis Pacheco Bustamante v. Kristi Noem et al.

Bustamante · No. 1:25-cv-1538 · Decided December 3, 2025

SUMMARY

The United States District Court for the Western District of Michigan considers a counseled petition for habeas corpus under 28 U.S.C. § 2241 brought by an ICE detainee challenging the statutory and constitutional basis for his detention. The court concludes that 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in 8 U.S.C. § 1225(b)(2)(A), governs the detention of a noncitizen who had been residing in the United States before apprehension. The court conditionally grants habeas relief and determines that prudential exhaustion should not be required.

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	December 3, 2025
DOCKET	1:25-cv-1538
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner filed a combined petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a complaint seeking emergency injunctive relief challenging his immigration detention. The court ordered respondents to show cause, received the government's response and petitioner's reply, and conditionally granted habeas relief.
STANDARD OF REVIEW	The court applied de novo statutory interpretation principles and the three-factor Mathews v. Eldridge balancing test to determine the adequacy of procedural due process. Whether to require prudential exhaustion was reviewed under the court's sound judicial discretion.
PRECEDENTIAL VALUE	nonprecedential district court opinion
PARTIES	Luis Pacheco Bustamante v. Kristi Noem et al.

TOPICS

immigration detention

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statutory interpretation

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether prudential exhaustion of administrative remedies should be required before the court considered Bustamante's § 2241 challenge to his immigration detention.
2. Whether 8 U.S.C. § 1225(b)(2)(A) or 8 U.S.C. § 1226(a) governs the detention of a noncitizen who entered the United States years earlier and was already residing in the country when apprehended.
3. Whether detention under the mandatory-detention framework of § 1225(b)(2)(A), without an individualized bond hearing, violated the Fifth Amendment Due Process Clause.
4. Whether the Secretary of Homeland Security could remain a respondent to ensure enforceability of the habeas relief if petitioner were transferred.

HOLDINGS

1. Prudential exhaustion was not required because the central statutory question was principally legal, the constitutional challenge was not one the BIA could correct, and administrative review was unlikely to eliminate the need for judicial review. Alternatively, exhaustion was waived because pursuing it would likely be futile and delay would cause hardship.
2. 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governs detention of a noncitizen who has resided in the United States and was already inside the country when apprehended and arrested.
3. Because § 1226(a) governed petitioner's detention and establishes a discretionary detention-or-release framework, petitioner was entitled to an individualized bond hearing; continued detention under the mandatory § 1225(b)(2)(A) framework violated the Fifth Amendment Due Process Clause.
4. The Secretary of Homeland Security would not be dismissed as a respondent because retaining her ensured that the court's conditional habeas relief would remain enforceable if petitioner were transferred outside the district.

KEY QUOTATIONS

“Respondents argue that any noncitizen who has not been lawfully admitted, regardless of whether they are already present and residing in the United States, is “an alien seeking admission” subject to mandatory detention under § 1225. However, that reading of § 1225 would render the qualifier “seeking admission” in the statute entirely unnecessary.” (PageID.78)

“Accordingly, for the above-discussed reasons, 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.” (PageID.82)

FACTUAL BACKGROUND

Luis Pacheco Bustamante, a native and citizen of Mexico, had lived in the United States since 2005 and was detained by ICE on October 11, 2025. ICE charged him as inadmissible under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I), and respondents treated him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). He was detained at the North Lake Processing Center in Michigan, had no bond hearing scheduled, and was set to appear before the Detroit Immigration Court on December 9, 2025.

PROCEDURAL HISTORY

Bustamante, an ICE detainee, filed this action on November 24, 2025. The court ordered respondents to show cause why habeas and related relief should not issue; respondents filed a response on December 1, 2025, and petitioner filed a reply. The court conditionally granted the § 2241 petition, ordered a bond hearing or release, retained the Secretary of Homeland Security as a respondent, and granted petitioner's motion to supplement with authority.

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 from custody. 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, if denied, the reasons.

CASES CITED

- Hamdi v. Rumsfeld, 542 U.S. 507, 525, 529 (2004)
- Zadvydas v. Davis, 533 U.S. 678, 687, 690 (2001)
- A. A. R. P. v. Trump, 145 S. Ct. 1364, 1367 (2025)
- Shearson v. Holder, 725 F.3d 588, 593-94 (6th Cir. 2013)
- McCarthy v. Madigan, 503 U.S. 140, 144 (1992)
- Island Creek Coal Co. v. Bryan, 937 F.3d 738, 746 (6th Cir. 2019)
- United States v. California Care Corp., 709 F.2d 1241, 1248 (9th Cir. 1983)
- Sterkaj v. Gonzales, 439 F.3d 273, 279 (6th Cir. 2006)
- Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244, 2266, 2273 (2024)
- Shalala v. Ill. Council on Long Term Care, Inc., 529 U.S. 1, 13 (2000)
- Hibbs v. Winn, 542 U.S. 88, 101 (2004)
- Corley v. United States, 556 U.S. 303, 314 (2009)
- In re Vill. Apothecary, Inc., 45 F.4th 940, 947 (6th Cir. 2022)
- King v. Burwell, 576 U.S. 473, 486 (2015)

- Roberts v. Sea-Land Servs., Inc., 566 U.S. 93, 101 (2012)
- Pulsifer v. United States, 144 S. Ct. 718, 735 (2024)
- TRW Inc. v. Andrews, 534 U.S. 19, 31 (2001)
- Hing Sum v. Holder, 602 F.3d 1092, 1100-01 (9th Cir. 2010)
- Martinez v. Hyde, 792 F. Supp. 3d 211, 218 (D. Mass. 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 287-89 (2018)
- Dubin v. United States, 143 S. Ct. 1557, 1567-68 (2023)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)
- United States v. Silvestre-Gregorio, 983 F.3d 848, 852-56 (6th Cir. 2020)
- Braden v. 30th Jud. Cir. Ct. of Ky., 410 U.S. 484, 494-95 (1973)
- Roman v. Ashcroft, 340 F.3d 314, 322, 325-26 (6th Cir. 2003)