

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

Luis Boada Mogena v. Kristi Noem et al.

Boada Mogena v. Noem · No. 1:25-cv-1941 · Decided January 16, 2026

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted Luis Boada Mogena’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that detention of a noncitizen who had resided in the United States and was arrested within the country is governed by 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in § 1225(b)(2)(A), and concluded that the existing detention framework violated due process. Respondents were ordered to provide a bond hearing within five business days or release the petitioner, and to file a compliance status report.

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 16, 2026
DOCKET	1:25-cv-1941
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 and emergency injunctive relief challenging his immigration detention and requesting a bond hearing. After ordering Respondents to show cause, the court conditionally granted the petition.
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PRECEDENTIAL VALUE	nonprecedential
PARTIES	Luis Boada Mogena v. Kristi Noem, Secretary for the Department of Homeland Security, ICE Detroit Field Office Director

TOPICS

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QUESTIONS PRESENTED

1. Whether prudential exhaustion of administrative remedies should bar or delay 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) governs the detention of a noncitizen who had been paroled into the United States, remained in the country after parole expired, and was apprehended within the United States.
3. Whether detention under the mandatory-detention framework of § 1225(b)(2)(A) violated Petitioner's Fifth Amendment due process rights.
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 and alternatively concluded that waiver of exhaustion was appropriate.
2. Section 1226(a), not the mandatory-detention provision in § 1225(b)(2)(A), governs the detention of a noncitizen who had resided in the United States and was already within the United States when apprehended and arrested, including a person previously granted humanitarian parole whose parole later expired.
3. Petitioner's current 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 retained both the field office director and the Secretary of Homeland Security to ensure that an order concerning a hearing or release would bind an official with authority to act if Petitioner were transferred.

KEY QUOTATIONS

“there is “nothing in this text that affirmatively authorizes . . . indefinite detention . . . [t]o the contrary, it provides that, when parole is revoked, ‘the alien shall . . . be returned to the custody from which he was paroled and thereafter “his case shall continue to be dealt with in the same manner as that of any other applicant for admission.”” (Section V.A)

FACTUAL BACKGROUND

Luis Boada Mogena, a native and citizen of Cuba, entered the United States in 2022 and received two months of humanitarian parole under 8 U.S.C. § 1182(d)(5). After parole expired, he remained in the United States, applied for lawful permanent residency, and obtained work authorization. ICE arrested him without a warrant on

December 10, 2025, and DHS issued a notice to appear charging inadmissibility under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). He had not received a bond hearing before filing the petition.

PROCEDURAL HISTORY

Boada Mogena filed a combined § 2241 habeas petition and complaint for emergency injunctive relief on December 31, 2025. The court ordered Respondents to show cause, Respondents filed a response, and Petitioner filed a reply. The court declined to enforce prudential exhaustion, held that § 1226(a), rather than § 1225(b)(2)(A), governed the detention, 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 from custody. Respondents must file a status report within six business days certifying whether and when the hearing occurred, whether bond was granted or denied, and the 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)
- Antelex Cobix v. Raycraft, No. 1:25-cv-1669, 2025 WL 3562651, at *2–3, *3–6, *6–8, *8–9 (W.D. Mich. Dec. 12, 2025)
- Candela Bastidas v. Noem, No. 1:25-cv-1528, 2025 WL 3562638, at *2–4, *4–6, *7–8, *8–9 (W.D. Mich. Dec. 12, 2025)
- Acuna Sanchez v. Noem, No. 1:25-cv-1442, 2025 WL 3562577, at *2–4, *4–7, *7–9, *9–10 (W.D. Mich. Dec. 12, 2025)
- Penagos Robles v. U.S. Dep’t of Homeland Sec., No. 1:25-cv-1578, 2025 WL 3558128, at *2–3, *3–6, *6–8, *9–10 (W.D. Mich. Dec. 12, 2025)
- Jennings v. Rodriguez, 583 U.S. 281, 288 (2018)
- Coalition for Humane Immigrant Rights v. Noem, No. 25-CV-872 (JMC), 2025 WL 2192986, at *24 (D.D.C. Aug. 1, 2025)
- Biden v. Texas, 597 U.S. 785, 806 (2022)
- Clark v. Martinez, 543 U.S. 371, 386 (2005)

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