

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PRECEDENTIAL VALUE	nonprecedential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

immigration detention

procedural due process

remedies

statutory interpretation

removal proceedings

PRACTICE AREAS

immigration law

habeas corpus

constitutional law

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)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION _____ LUIS BOADA MOGENA, Petitioner, Case No. 1:25-cv-1941 v. Honorable

Hala Y. Jarbou KRISTI NOEM et al., Respondents. _____/ OPINION
Petitioner, a United States Immigration and Customs Enforcement (ICE) detainee currently detained at the North Lake Processing Center located in Baldwin, Lake County, Michigan, initiated this action on December 31, 2025, by filing a counseled combined petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and complaint for emergency injunctive relief.

(Pet., ECF No. 1.) For the following reasons, the Court will conditionally grant Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Discussion I. Procedural History In Petitioner's § 2241 petition, Petitioner challenges the lawfulness of his current detention and asks the Court to, inter alia, declare that Respondents' actions to detain Petitioner violate the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act (INA), and issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241 ordering Respondents to conduct a bond hearing to satisfy the requirements of due process.

(Pet., ECF No. 1, PageID.32–33.) Petitioner also sought a temporary restraining order compelling Respondents to conduct a bond hearing to satisfy the requirements of due process. (Id., PageID.2.) Alternatively, Petitioner asked the Court to order Respondents to show cause, within three days, why the petition should not be granted. (Id.)

In an order entered on January 5, 2026, the Court directed Respondents to show cause, within three business days, why the writ of habeas corpus and other relief requested by Petitioner should not be granted. (Order, ECF No. 3.) Respondents filed their response on January 8, 2026, (ECF No. 4.), and Petitioner filed his reply on January 8, 2026, (ECF No. 5). II.

Factual Background Petitioner is a native and citizen of Cuba. (Pet., ECF No. 1, PageID.1; Notice to Appear (NTA), ECF No. 4-1, PageID.66.) Petitioner entered the United States in 2022 and was granted humanitarian parole for two months pursuant to section 212(d)(5) of the Immigration Act, which is codified at 8 U.S.C. § 1182(d)(5). (Pet., ECF No. 1, PageID.1.)

He subsequently filed an application with the United States Citizenship and Immigration Services for lawful permanent residency and was granted authorization to work in the United States. (Id., PageID.2, 4.) Petitioner remained in the United States following the expiration of his parole. Prior to his present detention, he lived with his partner in Louisville, Kentucky and served as the primary financial support for his family.

(Id., PageID.2.) On December 10, 2025, ICE agents encountered and arrested Petitioner without a warrant while Petitioner was driving his truck. (Id.) The following day, the Department of Homeland Security issued Petitioner a Form I-862, NTA, charging Petitioner with inadmissibility under §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) of the INA because Petitioner is an immigrant “present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General,” and “who, at the

time of application for admission, is not in possession of a valid unexpired [immigration or travel document].” (NTA, ECF No. 4-1, PageID.66–69.)

Petitioner has not been provided with a bond hearing. (Pet., ECF No. 1, PageID.5.) III. Habeas Corpus Legal Standard The Constitution guarantees that the writ of habeas corpus is “available to every individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2). Section 2241 of Title 28 confers the federal courts with the power to issue writs of habeas corpus to persons “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241.

This includes challenges by non-citizens in immigration- related matters. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); see also *A. A. R. P. v. Trump*, 145 S. Ct. 1364, 1367 (2025). IV. Exhaustion Respondents argue that the Court should deny Petitioner’s request for habeas corpus relief because Petitioner has not exhausted his administrative remedies. Specifically, Respondents argue that Petitioner should pursue a bond hearing and, if necessary, appeal any unfavorable decision to the Board of Immigration Appeals (BIA).

The Court declines to enforce the doctrine of prudential exhaustion against Petitioner, and even if the Court were to conclude that exhaustion is warranted, the Court concludes in the alternative that waiver of exhaustion is appropriate, for the reasons set forth in the Court’s exhaustion analysis in each of the following cases: *Antele Cobix v. Raycraft*, No. 1:25-cv-1669, 2025 WL 3562651, at *2–3 (W.D.

Mich. Dec. 12, 2025); *Candela Bastidas v. Noem*, No. 1:25-cv- 1528, 2025 WL 3562638, at *2–4 (W.D. Mich. Dec. 12, 2025); *Acuna Sanchez v. Noem*, No. 1:25- cv-1442, 2025 WL 3562577, at *2–4 (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 (W.D. Mich. Dec. 12, 2025).

Accordingly, the Court will proceed to address the merits of Petitioner’s § 2241 petition. V. Merits Discussion A. Statutory Basis for Petitioner’s Detention Petitioner contends that Respondents have violated the INA by concluding that Petitioner is detained pursuant to the mandatory detention provisions set forth in 8 U.S.C. § 1225(b)(2). Respondents, however, contend that Petitioner meets every element for detention under § 1225(b)(2), and that the statute’s structure and history support Respondents’ interpretation.

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 for the reasons set forth in the Court’s statutory analysis in each of the following cases: *Antele Cobix v. Raycraft*, No. 1:25-cv-1669, 2025 WL 3562651, at *3–6 (W.D.

Mich. Dec. 12, 2025); *Candela Bastidas v. Noem*, No. 1:25-cv-1528, 2025 WL 3562638, at *4–6 (W.D. Mich. Dec. 12, 2025); *Acuna Sanchez v. Noem*, No. 1:25-cv-1442, 2025 WL 3562577, at

*4–7 (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 *3–6 (W.D. Mich. Dec. 12, 2025). Respondents further contend that Petitioner is subject to detention under § 1225(b)(2) under the so-called “entry fiction” because he was, at one time, paroled into the United States under 8 U.S.C. § 1182(d)(5)(A) and, upon expiration of his parole, is to be regarded as stopped at the border.

(Resp., ECF No. 4, PageID.59.) Section 1225(b)(2)(A) provides that “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.” 8 U.S.C. § 1225(b)(2)(A).

However, “applicants for admission may be temporarily released on parole [into the United States] ‘for urgent humanitarian reasons or significant public benefit,’” as set forth in 8 U.S.C. § 1182(d)(5)(A). *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (quoting 8 U.S.C. § 1182(d)(5)(A)). Then, “when the purpose of the parole has been served,” § 1182(d)(5)(A) provides that “the alien shall forthwith return or 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 to the United States.” *Jennings*, 583 U.S. at 288 (quoting 8 U.S.C. § 1182(d)(5)(A)).

It is undisputed that Petitioner was, at one time, an “arriving alien,” who was granted humanitarian parole into the United States as set forth in 8 U.S.C. § 1182(d)(5)(A). It is also undisputed that Petitioner’s parole has now expired.

As the court in *Coalition for Humane Immigrant Rights v. Noem*, No. 25-CV-872 (JMC), 2025 WL 2192986 (D.D.C. Aug. 1, 2025) (“Coalition”), explained: [S]ection 1182(d)(5)(A) does not, as Defendants insist, say that parolees return, upon the termination or expiration of their parole, to “the position of an applicant for admission standing at the threshold of entry.” ECF 26 at 46.

Rather, the provision says that two things happen to such a parolee: (1) he “shall forthwith return or be returned to the custody from which he was paroled”; and (2) “thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.” In other words, the noncitizen is physically brought back into immigration detention (“custody”) and then legally continues to be treated as an “applicant for admission,” because his parole itself did not constitute an admission.

See 8 U.S.C. § 1182(d)(5)(A) (stating that parole “shall not be regarded as an admission of the alien”). That does not prove that the law treats the parole as if it never happened. At minimum, it recognizes that the parole physically happened, because it contemplates that the noncitizen must be returned to detention.

Moreover, it does not imply a return to the status of an applicant for admission, because a noncitizen is already an “applicant[] for admission” while their parole is active. See, e.g., *Biden v.*

Texas, 597 U.S. 785, 806 [(2022)] (“[T]he INA expressly authorizes DHS to process applicants for admission under a third option: parole.”) (citing 8 U.S.C. § 1182(d)(5)(A)).

Coalition, 2025 WL 2192986, at *24 (parallel citations omitted). Therefore, while § 1182(d)(5)(A) may permit Petitioner to be returned to ICE custody, 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.”’ Clark v. Martinez, 543 U.S. 371, 386 (2005) (emphasis in original).

For the reasons previously set forth in detail, the Court has concluded that § 1226(a), not § 1225(b)(2)(A), governs “any other applicant for admission” who has resided in the United States and was already within the United States when apprehended and arrested. Section 1226(a) therefore governs Petitioner’s detention. B. Fifth Amendment Due Process Considerations Petitioner also argues that his detention violates the Fifth Amendment’s Due Process Clause.

Respondents counter Petitioner’s arguments by stating that Petitioner has received notice of the charges against him, has access to counsel, is scheduled to attend hearings with an immigration judge, has the right to appeal the denial of any request for bond, and has been detained by ICE for a relatively short period of time.

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 for the reasons set forth in the Court’s constitutional analysis in each of the following cases: Antele Cobix v. Raycraft, No. 1:25-cv-1669, 2025 WL 3562651, at *6–8 (W.D. Mich. Dec.

12, 2025); Candela Bastidas v. Noem, No. 1:25-cv-1528, 2025 WL 3562638, at *7–8 (W.D. Mich. Dec. 12, 2025); Acuna Sanchez v. Noem, No. 1:25-cv-1442, 2025 WL 3562577, at *7–9 (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 *6–8 (W.D. Mich. Dec. 12, 2025). VI. Other Claims and Other Forms of Relief Because the Court will conditionally grant Petitioner’s § 2241 petition as set forth herein, the Court does not address other claims and other requested relief in Petitioner’s § 2241 petition.

VII. Proper Respondents Respondents argue that the Detroit ICE Field Office Director is the only proper Respondent in this action, and they seek the dismissal of all of the other named Respondents. The Court concludes that the ICE Detroit Field Office Director is not the only proper Respondent for the reasons set forth in the Court’s analysis of the same argument in each of the following cases: Antele Cobix v. Raycraft, No. 1:25-cv-1669, 2025 WL 3562651, at *8–9 (W.D.

Mich. Dec. 12, 2025); Candela Bastidas v. Noem, No. 1:25-cv-1528, 2025 WL 3562638, at *8–9 (W.D. Mich. Dec. 12, 2025); Acuna Sanchez v. Noem, No. 1:25-cv-1442, 2025 WL 3562577, at

*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 *9–10 (W.D. Mich. Dec. 12, 2025).

To ensure that this Court’s orders regarding a hearing or release will bind at least one Respondent with authority to act in the event that Petitioner is transferred out of the Western District of Michigan, the Court will retain the ICE Detroit Field Office Director and the Secretary for the Department of Homeland Security as Respondents. Conclusion For the reasons discussed above, the Court will enter a judgment conditionally granting Petitioner’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

(ECF No. 1.) 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.¹ The Court will also order Respondents to file a status report within six business days of the date of this Court’s opinion and judgment to certify 1 This Court has adopted a standard practice of requiring such a hearing within five business days, even if the Petitioner requests a deadline that is shorter or longer. compliance with this opinion and the corresponding judgment.

The status report shall include if and when the bond hearing occurred, if bond was granted or denied, and if bond was granted, the conditions of the bond, or if bond was denied, the reasons for the denial. Dated: January 16, 2026 /s/ Hala Y. Jarbou HALA Y. JARBOU CHIEF UNITED STATES DISTRICT JUDGE