

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

Aldair Rovildo Gonzalez Jacobo v. Kevin Raycraft et al.

Gonzalez Jacobo v. Raycraft · No. 1:26-cv-45 · Decided January 15, 2026

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted Aldair Rovildo Gonzalez Jacobo’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governs his detention and ordered Respondents to provide a bond hearing within five business days or release him, based in part on Fifth Amendment due process concerns.

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 15, 2026
DOCKET	1:26-cv-45
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner, an ICE detainee, filed a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the statutory basis and constitutionality of his detention and seeking release or a bond hearing. After ordering Respondents to show cause and receiving their response and Petitioner's reply, the district court conditionally granted the petition.
STANDARD OF REVIEW	The court considered the legality of detention under the federal habeas statute, 28 U.S.C. § 2241, and addressed prudential exhaustion of administrative remedies. No separate formal standard-of-review statement appears.
PRECEDENTIAL VALUE	Unknown
PARTIES	Aldair Rovildo Gonzalez Jacobo v. Kevin Raycraft et al.

TOPICS

immigration detention

removal proceedings

procedural due process

statutory interpretation

due process

PRACTICE AREAS

immigration

constitutional law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the court should enforce prudential exhaustion of administrative remedies when Petitioner had not appealed the bond decision to the Board of Immigration Appeals.
2. Whether 8 U.S.C. § 1226(a) or 8 U.S.C. § 1225(b)(2)(A) governed the detention of a noncitizen who had resided in the United States and was apprehended within the country.
3. Whether Petitioner's detention under the mandatory-detention framework of 8 U.S.C. § 1225(b)(2)(A) violated the Fifth Amendment Due Process Clause.
4. Which Respondents were proper custodians for purposes of habeas relief if Petitioner were transferred outside the Western District of Michigan.

HOLDINGS

1. The court declined to enforce prudential exhaustion and held, alternatively, that waiver of exhaustion was appropriate.
2. Section 1226(a), rather than 8 U.S.C. § 1225(b)(2)(A), governs the detention of 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 8 U.S.C. § 1225(b)(2)(A) violated the Fifth Amendment 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, the Acting Director of ICE, and the United States Secretary of Homeland Security as Respondents.

KEY QUOTATIONS

“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)

“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

Petitioner is a Guatemalan citizen who entered the United States without inspection in 2017 and later lived in Kentucky with his partner and two United States citizen children. On October 27, 2025, ICE arrested him at a job site located at a local jail near Columbus, Ohio, and issued a notice to appear charging inadmissibility under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). He was detained at the North Lake Processing Center in Michigan, and the Cleveland Immigration Court denied his request for custody redetermination for lack of jurisdiction over the bond proceedings.

PROCEDURAL HISTORY

Petitioner was detained by ICE after being taken into custody at a local jail in Ohio and was placed in removal proceedings. The Cleveland Immigration Court denied his request for custody redetermination for lack of jurisdiction. Petitioner then sought § 2241 relief in the Western District of Michigan. The court declined to enforce prudential exhaustion, alternatively waived exhaustion, held that § 1226(a) governed the detention and that detention under § 1225(b)(2)(A) violated due process, and conditionally granted the petition.

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 Petitioner from custody. Respondents must file a status report within six business days certifying compliance and stating whether a hearing occurred, whether bond was granted or denied, the conditions of any bond, and the reasons for any 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 (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)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION _____ ALDAIR ROVILDO GONZALEZ JACABO, Case No. 1:26-cv-45 Petitioner, Hon. Hala Y. Jarbou v. KEVIN RAYCRAFT 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 by filing a counseled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

(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, accept jurisdiction over this action, declare that 8 U.S.C. § 1226(a) is the appropriate statutory provision that governs Petitioner's detention and eligibility for bond, and issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241 ordering Respondents to release Petitioner or to conduct a bond hearing for Petitioner's removal proceedings.

(Pet., ECF No. 1, PageID.24–25.) In an order entered on January 8, 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 13, 2026, (ECF No. 4), and Petitioner filed his reply on January 14, 2026, (ECF No. 5).

II. Factual Background Petitioner is a native and citizen of Guatemala. (Pet., ECF No. 1, PageID.2; Notice to Appear (NTA), ECF No. 1-1, PageID.27.) Petitioner entered the United States in 2017 without inspection. (Pet., ECF No. 1, PageID.2; NTA, ECF No. 1-1, PageID.27.) Prior to Petitioner's present detention, he resided in Kentucky with his partner and two United States citizen children.

(Pet., ECF No. 1, PageID.8.) On October 27, 2025, Petitioner, “a laborer, reported to a job site near Columbus, Ohio.” (Id., PageID.2.) The job site was a local jail, and upon arrival at the jail, Petitioner, as well as two coworkers, were taken into custody by ICE. (Id.) At that time, ICE 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 Immigration and Nationality Act (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. 1-1, PageID.27, 30.)

Petitioner requested a custody redetermination, and the Cleveland Immigration Court denied the request on December 17, 2025, finding that it “d[id] not have jurisdiction over these bond proceedings.” (Order of Immigration Judge, ECF No. 1-4, PageID.34.) Petitioner is scheduled for a master calendar hearing on January 15, 2026, in the Detroit Immigration Court.

(Automated Case Information, ECF No. 1-3, PageID.32.) 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 by appealing the unfavorable decision regarding bond 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). 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 short period 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 the other named Respondents.¹ The Court concludes that the Detroit ICE 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 Detroit ICE Field Office Director, the Acting Director of ICE, and the United States Secretary of Homeland Security as Respondents.

¹ The Court previously dismissed the Warden of North Lake Processing Center as a Respondent. (Order, ECF No. 3.) 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.² 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 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 15, 2026 /s/ Hala Y. Jarbou HALA Y. JARBOU CHIEF UNITED STATES DISTRICT JUDGE 2 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.

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