

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

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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)