

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

Jose Samuel Pacheco-Ascencio v. Kevin Raycraft et al.

Pacheco-Ascencio · No. 1:26-cv-289 · Decided January 28, 2026

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted Jose Samuel Pacheco-Ascencio’s 28 U.S.C. § 2241 habeas petition challenging his immigration detention. The court held that detention was governed by 8 U.S.C. § 1226(a), concluded that mandatory detention under § 1225(b)(2)(A) violated due process, and ordered a bond hearing within five business days or immediate release.

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 28, 2026
DOCKET	1:26-cv-289
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging his immigration detention and requesting release or a bond hearing.
STANDARD OF REVIEW	The court applied the federal habeas corpus standard under 28 U.S.C. § 2241 and considered whether prudential exhaustion should be enforced or waived.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Jose Samuel Pacheco-Ascencio v. Kevin Raycraft, Detroit ICE Field Office Director, United States Secretary of Homeland Security, United States Department of Homeland Security, United States Attorney General, Executive Office for Immigration Review

TOPICS

immigration detention

removal proceedings

procedural due process

due process

statutory interpretation

PRACTICE AREAS

immigration law

federal habeas corpus

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether prudential exhaustion of administrative remedies should bar or delay the § 2241 petition.
2. Whether 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b)(2)(A), governs detention of a noncitizen who resided in the United States and was apprehended within the country.
3. Whether Petitioner's detention under the mandatory-detention framework of § 1225(b)(2)(A) violates the Fifth Amendment Due Process Clause.
4. Whether the Detroit ICE Field Office Director is 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 § 1225(b)(2)(A), governs detention of a noncitizen who resided in the United States and was already within the country when apprehended and arrested.
3. Petitioner's current detention under the mandatory-detention framework of § 1225(b)(2)(A) violates the Fifth Amendment Due Process Clause.
4. The Detroit ICE Field Office Director is not the only proper respondent; the court retained the Field Office Director and the Secretary of Homeland Security and dismissed the Department of Homeland Security, the Attorney General, and the Executive Office for Immigration Review.

KEY QUOTATIONS

“The Constitution guarantees that the writ of habeas corpus is “available to every individual detained within the United States.”” (Section III)

FACTUAL BACKGROUND

Petitioner, a native and citizen of El Salvador, entered the United States without inspection in June 2005 and lived in Michigan with his lawful-permanent-resident common-law spouse and three United States citizen children. ICE arrested him on November 25, 2025, 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 and had an immigration-court hearing scheduled for February 25, 2026.

PROCEDURAL HISTORY

The action was initially filed in the Eastern District of Michigan by five ICE detainees. That court transferred Pacheco-Ascencio's claims to the Western District of Michigan on December 29, 2025; the claims of another petitioner were later dismissed without prejudice, and the remaining claims were severed. After briefing, the

court conditionally granted the § 2241 petition, ordered a bond hearing or release, required a compliance status report, and dismissed several named respondents.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Petitioner a bond hearing under 8 U.S.C. § 1226(a) within five business days of the opinion and judgment, or immediately release him. Respondents must file a compliance status report within six business days stating whether and when the hearing occurred, whether bond was granted or denied, the bond conditions if granted, and the reasons for denial if denied.

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)
- Matter of Yajure Hurtado
- Antele 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. Department of Homeland Security, No. 1:25-cv-1578, 2025 WL 3558128 (W.D. Mich. Dec. 12, 2025)