

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

Erick Ruben Pena v. Kevin Raycraft et al.

Case No. 1:25-cv-1922 · No. 1:25-cv-1922 · Decided December 31, 2025

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted Erick Ruben Pena’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court concluded that 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in § 1225(b)(2)(A), governs his detention and that his continued detention without a bond hearing violated the Fifth Amendment’s Due Process Clause. Respondents were ordered to provide a bond hearing within five business days or release Pena, and certain respondents were dismissed.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Robert J. Jonker
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	December 31, 2025
DOCKET	1:25-cv-1922
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking release or a constitutionally adequate bond hearing.
STANDARD OF REVIEW	The court reviewed the legality of detention under 28 U.S.C. § 2241 and addressed prudential exhaustion and constitutional due-process issues.
PRECEDENTIAL VALUE	unpublished district-court opinion; precedential status unknown
PARTIES	Erick Ruben Pena v. Kevin Raycraft et al.

TOPICS

immigration detention

removal proceedings

procedural due process

statutory interpretation

civil procedure

PRACTICE AREAS

immigration detention

habeas corpus

constitutional law

civil procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether the court should require exhaustion of administrative remedies before considering Pena's § 2241 detention challenge.
2. Whether 8 U.S.C. § 1225(b)(2)(A) or 8 U.S.C. § 1226(a) governs the detention of a noncitizen who resided in the United States and was apprehended within the country.
3. Whether Pena's detention without a bond hearing violated the Fifth Amendment's Due Process Clause.
4. Whether the ICE Detroit Field Office Director was the only proper respondent.
5. Whether the petition should be conditionally granted by requiring a bond hearing or immediate release.

HOLDINGS

1. The court declined to enforce prudential exhaustion and alternatively concluded that waiver of exhaustion was appropriate.
2. Section 1226(a), not 8 U.S.C. § 1225(b)(2)(A), governs noncitizens who have resided in the United States and were already within the country when apprehended and arrested.
3. Pena's continued detention under the mandatory-detention framework identified by the court violated the Fifth Amendment Due Process Clause, requiring a bond hearing or release.
4. The ICE Detroit Field Office Director was not the only proper respondent. The court retained the Field Office Director and the Secretary of Homeland Security and dismissed the United States 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.”” (Discussion § III)

FACTUAL BACKGROUND

Pena, a citizen of Honduras, entered the United States around 2013 without being admitted or paroled and later lived in Detroit with his wife and two United States-citizen children. ICE arrested him on October 9, 2025, and issued a notice to appear charging inadmissibility under INA § 212(a)(6)(A)(i). He was detained without a bond hearing at the North Lake Processing Center. Respondents treated his detention as mandatory under 8 U.S.C. § 1225(b)(2).

PROCEDURAL HISTORY

Pena filed a counseled § 2241 petition in the Eastern District of Michigan on November 17, 2025. After briefing, the Eastern District transferred the petition to the Western District of Michigan on December 29, 2025. The court conditionally granted habeas relief, ordered a bond hearing or immediate release, required a compliance report, and dismissed several named respondents.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Pena with 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 status report within six business days certifying compliance and stating whether the hearing occurred, whether bond was granted or denied, the conditions of any bond, or the reasons for denial. The court dismissed the Department of Homeland Security, the Attorney General, and the Executive Office for Immigration Review as respondents.

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)
- 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. Dep’t of Homeland Sec., No. 1:25-cv-1578, 2025 WL 3558128 (W.D. Mich. Dec. 12, 2025)

OPINION

Pena

PER CURIAM.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERICK RUBEN PENA,

Petitioner, Case No. 1:25-cv-1922 v. Honorable Robert J. Jonker 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 on November 17, 2025, 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, 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 either ordering Respondents to release Petitioner or ordering Respondents to conduct a bond hearing to satisfy the requirements of due process. (Pet., ECF No. 1, PageID.24.) Petitioner originally filed his § 2241 petition in the Eastern District of Michigan. Respondents filed their response on December 4, 2025, (ECF No. 7.), and Petitioner filed his reply on December 9, 2025, (ECF No. 9). On December 29, 2025, the Eastern District of Michigan transferred the § 2241 petition to this Court for further proceedings. (ECF No. 11.)

II. Factual Background Petitioner is a citizen of Honduras. (Pet., ECF No. 1, PageID.6; Notice to Appear (NTA), ECF No. 7-2, PageID.159.) Petitioner entered the United States in or around 2013 (Pet., ECF No. 1, PageID.7) at an unknown location without being "admitted or paroled." (NTA, ECF No. 7-2, PageID.159.) Prior to Petitioner's present detention, he resided in Detroit, Michigan with his wife and two very young children, all of whom are United States citizens. (Pet., ECF No. 1, PageID.7.) On October 9, 2025, while Petitioner was a passenger in a vehicle, Petitioner was encountered and arrested "by masked agents in police-labeled gear" who broke the vehicle's window and forced Petitioner out of the car. (Id., PageID.8.) The Department of Homeland issued Petitioner a Form I-862, NTA, charging Petitioner with inadmissibility under § 212(a)(6)(A)(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." (NTA, ECF No. 7-2, PageID.159.) Petitioner has not been provided with a bond hearing. (Pet., ECF No. 1, PageID.8.)

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).

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 matter of months. 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. The Court will dismiss the United States Department of Homeland Security, the United States Attorney General, and the Executive Office for Immigration Review 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 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. Further, the Court will dismiss the United States Department of Homeland Security, the United States Attorney General, and the Executive Office for Immigration Review as Respondents. Dated: December 31, 2025 /s/ Robert J. Jonker Robert J. Jonker United States District Judge 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.