

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)