

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

Natalio Barco Rivera v. Kevin Raycraft et al.

Rivera · No. 1:25-cv-1454 · Decided December 5, 2025

SUMMARY

The United States District Court for the Western District of Michigan conditionally grants Natalio Barco Rivera’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court holds that 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in § 1225(b)(2)(A), governs the detention of a noncitizen who entered the United States years earlier and was apprehended while already residing there. The court further concludes that continued detention without an individualized bond hearing violates the Fifth Amendment’s Due Process Clause and declines to require administrative exhaustion.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Paul L. Maloney
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	December 5, 2025
DOCKET	1:25-cv-1454
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention without a custody redetermination hearing. The court conditionally granted habeas relief, ordered a bond hearing under 8 U.S.C. § 1226(a) or release, and dismissed one respondent.
STANDARD OF REVIEW	The court applied statutory interpretation principles to determine the governing detention provision and applied the three-factor Mathews v. Eldridge balancing test to assess the adequacy of procedural due process. Prudential exhaustion was reviewed as a matter of judicial discretion.
PRECEDENTIAL VALUE	unpublished

PARTIES

Natalio Barco Rivera v. Kevin Raycraft et al.

TOPICS

immigration detention

federal habeas corpus

statutory interpretation

procedural due process

immigration

PRACTICE AREAS

immigration law

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QUESTIONS PRESENTED

1. Whether prudential exhaustion should be required before the court could consider Rivera's § 2241 challenge to his immigration detention.
2. Whether 8 U.S.C. § 1225(b)(2)(A) or 8 U.S.C. § 1226(a) governs detention of a noncitizen who entered the United States years earlier, has resided there, and was apprehended within the country.
3. Whether detention without an individualized custody hearing violated the Fifth Amendment Due Process Clause.
4. Which respondents were proper parties to the habeas proceeding.

HOLDINGS

1. Prudential exhaustion was not required, and alternatively any exhaustion requirement should be waived because the statutory and constitutional issues were fit for judicial resolution, delay would cause hardship, and administrative review would likely be futile.
2. Section 1226(a), not § 1225(b)(2)(A), governs detention of a noncitizen who has resided in the United States and was already within the country when apprehended and arrested.
3. Because Rivera's detention was governed by § 1226(a), the absence of an individualized bond hearing violated the Fifth Amendment Due Process Clause.
4. The court dismissed the Superintendent of North Lake Correctional Facility but retained the Acting Director of ICE and the United States Secretary of Homeland Security because retaining them would help ensure enforcement of the conditional habeas relief if Rivera were transferred.

KEY QUOTATIONS

“The Constitution guarantees that the writ of habeas corpus is “available to every individual detained within the United States.”” (Habeas Corpus Legal Standard)

“Accordingly, for the above-discussed reasons, this 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.” (Statutory Basis for Petitioner's Detention)

“Accordingly, 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.” (Fifth Amendment Due Process Considerations)

“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

Rivera is a Mexican citizen who entered the United States without inspection in 2004 and remained there for approximately twenty-one years. He is the father of four United States-citizen children. After his arrest and detention, the Department of Homeland Security served him with a Notice to Appear charging inadmissibility under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I), and he was held without an opportunity for a custody redetermination hearing.

PROCEDURAL HISTORY

Rivera filed a counseled § 2241 petition on November 14, 2025. The court ordered Respondents to show cause; Respondents filed a response on November 24, and Rivera filed a reply on November 28. The court declined to require or enforce prudential exhaustion, reached the merits, conditionally granted the petition, retained certain higher-level respondents to ensure enforcement if Rivera were transferred, and dismissed the Superintendent of North Lake Correctional Facility.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Rivera 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, including whether and when the hearing occurred, whether bond was granted or denied, and the reasons for any denial.

CASES CITED

- Hamdi v. Rumsfeld, 542 U.S. 507, 525, 529 (2004)
- Zadvydas v. Davis, 533 U.S. 678, 687, 690 (2001)
- A. A. R. P. v. Trump, 145 S. Ct. 1364, 1367 (2025)
- Shearson v. Holder, 725 F.3d 588, 593-94 (6th Cir. 2013)
- McCarthy v. Madigan, 503 U.S. 140, 144 (1992)
- Island Creek Coal Co. v. Bryan, 937 F.3d 738, 746 (6th Cir. 2019)
- Pizarro Reyes v. Raycraft, No. 25-cv-12546, 2025 WL 2609425, at *3-*5 (E.D. Mich. Sept. 9, 2025)
- Hernandez Torrealba v. U.S. Department of Homeland Security, No. 1:25-cv-1621, 2025 WL 2444114, at *8 (N.D. Ohio Aug. 25, 2025)
- Lopez-Campos v. Raycraft, No. 2:25-cv-12486, 2025 WL 2496379, at *4-*6, *9 (E.D. Mich. Aug. 29, 2025)
- United States v. California Care Corp., 709 F.2d 1241, 1248 (9th Cir. 1983)

- *McGee v. United States*, 402 U.S. 479, 484 (1971)
- *McKart v. United States*, 395 U.S. 185, 193-95 (1969)
- *Shweika v. Department of Homeland Security*, No. 1:06-cv-11781, 2015 WL 6541689, at *12 (E.D. Mich. Oct. 29, 2015)
- *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244, 2266, 2273 (2024)
- *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 229 (BIA 2025)
- *Shalala v. Illinois Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000)
- *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1245 (W.D. Wash. 2025)
- *Hibbs v. Winn*, 542 U.S. 88, 101 (2004)
- *Corley v. United States*, 556 U.S. 303, 314 (2009)
- *Kentucky v. Biden*, 23 F.4th 585, 603 (6th Cir. 2022)
- *In re Village Apothecary, Inc.*, 45 F.4th 940, 947 (6th Cir. 2022)
- *King v. Burwell*, 576 U.S. 473, 486 (2015)
- *Roberts v. Sea-Land Services, Inc.*, 566 U.S. 93, 101 (2012)
- *Hing Sum v. Holder*, 602 F.3d 1092, 1100-01 (9th Cir. 2010)
- *Matter of Pierre*, 14 I&N Dec. 467, 468 (BIA 1973)
- *Martinez v. Hyde*, 792 F. Supp. 3d 211, 218 (D. Mass. 2025)
- *TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001)
- *Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH), 2025 WL 2371588, at *7 (S.D.N.Y. Aug. 13, 2025)
- *Yates v. United States*, 574 U.S. 528, 537, 552 (2015)
- *Dubin v. United States*, 143 S. Ct. 1557, 1567-68 (2023)
- *United States v. Silvestre-Gregorio*, 983 F.3d 848, 852-56 (6th Cir. 2020)
- *Günaydin v. Trump*, 784 F. Supp. 3d 1175, 1187 (D. Minn. 2025)
- *Hernandez-Lara v. Lyons*, 10 F.4th 19, 28 (1st Cir. 2021)
- *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020)
- *Sampiao v. Hyde*, No. 1:25-cv-11981-JEK, 2025 WL 2607924, at *12 (D. Mass. Sept. 9, 2025)
- *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 494-95 (1973)
- *Roman v. Ashcroft*, 340 F.3d 314, 322, 325-26 (6th Cir. 2003)
- *Trump v. J. G. G.*, 145 S. Ct. 1003, 1006-07 (2025) (Kavanaugh, J., concurring)

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