

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

Edgar Fabian Tipan-Lutuala v. Kristi Noem et al.

No. 1:25-cv-1675 (W.D. Mich. Dec. 17, 2025) · No. 1:25-cv-1675 · Decided December 17, 2025

SUMMARY

The court conditionally granted Edgar Fabian Tipan-Lutuala’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. It held that detention of a noncitizen who had been residing in the United States and was apprehended within the country is governed by 8 U.S.C. § 1226(a), rather than the mandatory-detention provision of § 1225(b)(2)(A), and that the detention framework violated the petitioner’s Fifth Amendment due process rights. Respondents were ordered to provide a bond hearing within five business days or immediately release the petitioner, and to file a compliance status report.

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	December 17, 2025
DOCKET	1:25-cv-1675
DISPOSITION	writ_granted
PROCEDURAL POSTURE	A detained noncitizen filed a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a complaint seeking emergency injunctive relief. After ordering the respondents to show cause and receiving their response and petitioner's reply, the court conditionally granted habeas relief.
STANDARD OF REVIEW	The court reviewed the legality of detention under 28 U.S.C. § 2241 and considered whether prudential exhaustion should be enforced or waived. The opinion does not identify a more specific standard of review.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status unknown
PARTIES	Edgar Fabian Tipan-Lutuala v. Kristi Noem et al.

TOPICS

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QUESTIONS PRESENTED

1. Whether the court should deny habeas relief because petitioner had not exhausted administrative remedies concerning a bond hearing.
2. Whether 8 U.S.C. § 1225(b)(2)(A), rather than 8 U.S.C. § 1226(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 § 1225(b)(2)(A) violated the Fifth Amendment Due Process Clause.
4. Whether the ICE Detroit Field Office Director was the only proper respondent.

HOLDINGS

1. The court declined to enforce prudential exhaustion and held, in the alternative, that waiver of exhaustion was appropriate, allowing it to reach the merits of the § 2241 petition.
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. Petitioner's detention under the mandatory-detention framework of § 1225(b)(2)(A) violated the Fifth Amendment Due Process Clause.
4. The ICE Detroit Field Office Director was not the only proper respondent; the court retained the ICE Detroit Field Office Director and the Secretary of Homeland Security as respondents.

KEY QUOTATIONS

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

“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 native and citizen of Ecuador who entered the United States without inspection in 2022 and lived with his spouse and eight-year-old daughter. ICE arrested him on September 24, 2025, while he was attending an ICE check-in, and DHS issued a Notice to Appear charging inadmissibility under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). Petitioner was detained at the North Lake Processing Center and had not received a bond hearing.

PROCEDURAL HISTORY

Petitioner initiated the action on December 5, 2025, challenging his immigration detention and seeking release or a constitutionally sufficient bond hearing. The court ordered respondents to show cause, respondents filed a response on December 11, and petitioner replied on December 12. The court declined to enforce prudential exhaustion, alternatively waived exhaustion, reached the merits, and conditionally granted the petition.

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 status report within six business days certifying compliance, including the date and result of any bond hearing and any bond conditions or reasons for 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)
- 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)