

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

Maikel Nazaret Jose Sosa-Mosquera v. Unknown Party #1 et al.

Sosa-Mosquera · No. 1:26-cv-635 · Decided March 19, 2026

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted an immigration detainee’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that 8 U.S.C. § 1226(a), rather than § 1225(b)(2)(A), governed the petitioner’s detention and that his continued detention without a bond hearing violated the Fifth Amendment. The court ordered a bond hearing within five business days or the petitioner’s immediate release, required a compliance status report, and dismissed the Department of Homeland Security and ICE as respondents.

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	March 19, 2026
DOCKET	1:26-cv-635
DISPOSITION	writ_granted
PROCEDURAL POSTURE	A pro se immigration detainee petitioned for a writ of habeas corpus under 28 U.S.C. § 2241, challenging the statutory basis and constitutionality of his detention and seeking release or a bond hearing.
STANDARD OF REVIEW	The court reviewed the legality of detention through habeas corpus under 28 U.S.C. § 2241 and considered whether prudential exhaustion should be required or waived.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court opinion
PARTIES	Maikel Nazaret Jose Sosa-Mosquera v. Unknown Party #1 et al.

TOPICS

immigration detention

removal proceedings

procedural due process

statutory interpretation

remedies

PRACTICE AREAS

immigration law

habeas corpus

constitutional law

QUESTIONS PRESENTED

1. Whether prudential exhaustion of administrative remedies should bar or delay Petitioner's § 2241 challenge to his immigration detention.
2. Whether Petitioner's detention was governed by the mandatory-detention provisions of 8 U.S.C. § 1225(b)(2)(A) or by the discretionary detention authority in 8 U.S.C. § 1226(a).
3. Whether Petitioner's continued detention without the bond-hearing protections applicable under § 1226(a) violated the Fifth Amendment Due Process Clause.
4. Whether the Detroit ICE Field Office Director was the only proper respondent in the habeas action.

HOLDINGS

1. The court declined to enforce prudential exhaustion against Petitioner and alternatively concluded that waiver of exhaustion was appropriate.
2. Section 1226(a), rather than 8 U.S.C. § 1225(b)(2)(A), governs the detention of a noncitizen who has resided in the United States and was already inside the United States when apprehended and arrested.
3. Petitioner's continued detention under the mandatory-detention framework of § 1225(b)(2)(A) violated the Fifth Amendment Due Process Clause, requiring a bond hearing under § 1226(a) or immediate release.
4. The Detroit ICE Field Office Director was not the only proper respondent, but the court dismissed the Department of Homeland Security and ICE as respondents.

KEY QUOTATIONS

“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”
(Section V.A)

“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” (Section V.B)

“The Court will order Respondent 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” (Conclusion)

FACTUAL BACKGROUND

Petitioner, a Venezuelan citizen who entered the United States in 2022, was encountered by DHS agents in Ohio in February 2023 and was charged as inadmissible under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). He was initially released on his own recognizance and later applied for asylum, withholding of removal, and Convention

Against Torture protection. After an immigration judge denied those applications and ordered removal to Venezuela, Petitioner appealed to the BIA, and that appeal remained pending. ICE arrested him on September 5, 2025, and he had been detained for approximately five and a half months when he filed the petition.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition challenging his detention. The court ordered Respondents to show cause; Respondents filed a response, and Petitioner did not reply. The court conditionally granted the petition, ordered a bond hearing or release, required a compliance status report, and dismissed the Department of Homeland Security and ICE as respondents.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondent must provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) within five business days of the opinion and judgment, with notice to the parties as soon as practicable and no later than 24 hours before the hearing, or immediately release Petitioner. Respondent must file a status report within six business days certifying compliance and reporting the hearing's outcome 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)
- Jusufi v. Chertoff, No. 07-15450, 2007 WL 4591760, at *4 (E.D. Mich. Dec. 28, 2007)
- Johnson v. Guzman Chavez, 594 U.S. 523, 533-35 (2021)
- Antele Cobix v. Raycraft, No. 1:25-cv-1669, 2025 WL 3562651, at *2-3, *3-6, *6-8, *8-9 (W.D. Mich. Dec. 12, 2025)
- Candela Bastidas v. Noem, No. 1:25-cv-1528, 2025 WL 3562638, at *2-4, *4-6, *7-8, *8-9 (W.D. Mich. Dec. 12, 2025)
- Acuna Sanchez v. Noem, No. 1:25-cv-1442, 2025 WL 3562577, at *2-4, *4-7, *7-9, *9-10 (W.D. Mich. Dec. 12, 2025)
- Penagos Robles v. U.S. Department of Homeland Security, No. 1:25-cv-1578, 2025 WL 3558128, at *2-3, *3-6, *6-8, *9-10 (W.D. Mich. Dec. 12, 2025)
- Buenrostro-Mendez v. Bondi, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026)