

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

Ceballos-Acosta v. Raycraft

Ceballos-Acosta · No. 1:26-cv-599 · Decided March 26, 2026

SUMMARY

The court dismissed without prejudice a detained Venezuelan petitioner’s 28 U.S.C. § 2241 habeas petition challenging the denial of her immigration bond request. The court held that she had not exhausted her administrative remedies because she challenged the immigration judge’s factual determinations and had waived appeal to the Board of Immigration Appeals.

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	March 26, 2026
DOCKET	1:26-cv-599
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner, an ICE detainee, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the denial of bond and the lawfulness of her immigration detention. The district court dismissed the petition without prejudice for failure to exhaust administrative remedies.
STANDARD OF REVIEW	The court applied the ordinary exhaustion rule for § 2241 challenges to immigration bond determinations and reviewed whether Petitioner had exhausted administrative remedies or established grounds for excusing exhaustion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Stefanny Andrea Ceballos-Acosta v. Kevin Raycraft

TOPICS

immigration detention

removal proceedings

exhaustion of remedies

judicial review of agency action

administrative law

PRACTICE AREAS

immigration law

habeas corpus

administrative law

civil procedure

QUESTIONS PRESENTED

1. Whether the district court could review Petitioner's challenge to the immigration judge's factual bond determination under 28 U.S.C. § 2241 when she had not appealed the bond decision to the BIA.
2. Whether Petitioner had established grounds to excuse the ordinary exhaustion requirement for her § 2241 petition.
3. Whether 8 U.S.C. § 1226(a), rather than § 1231, governed Petitioner's detention while her appeal from the removal order remained pending.

HOLDINGS

1. A noncitizen detained under 8 U.S.C. § 1226(a) who challenges the immigration judge's factual bond determination ordinarily must appeal that determination to the BIA before seeking federal habeas relief under § 2241.
2. Petitioner failed to demonstrate grounds for excusing the exhaustion requirement.
3. Because Petitioner's removal order was not administratively final while her appeal to the BIA remained pending, 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1231, governed her detention.

KEY QUOTATIONS

“When a petitioner does not exhaust administrative remedies, a district court ordinarily should either dismiss the petition without prejudice or stay the proceedings until the petitioner has exhausted remedies, unless exhaustion is excused.”

“Because Petitioner’s appeal to the BIA remains pending, § 1231 does not apply, and § 1226(a) governs Petitioner’s detention.”

FACTUAL BACKGROUND

Petitioner, a Venezuelan citizen, entered the United States without inspection in February 2024 and was charged with inadmissibility under INA § 212(a)(6)(A)(i). After later being arrested for domestic violence, with the charge amended to disorderly conduct, she was taken into ICE custody. The Detroit Immigration Court denied her request for a custody-status change after finding that DHS had established by clear and convincing evidence that she was a danger to the community, and Petitioner waived her right to appeal that decision. She challenged the bond determination under § 2241, but did not assert that the bond hearing procedures violated the Fifth Amendment.

PROCEDURAL HISTORY

Petitioner entered the United States without inspection, was placed in removal proceedings, and later was arrested by ICE after a local criminal arrest. The Detroit Immigration Court denied her request for a custody-status change after finding that DHS had shown by clear and convincing evidence that she was a danger to the community; Petitioner waived her right to appeal that bond decision. She subsequently filed this § 2241 petition, while her appeal from the removal order remained pending. The district court dismissed the petition without prejudice because her challenges to the immigration judge's factual bond determinations had not been presented to the BIA.

DISPOSITION

dismissed

CASES CITED

- Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004)
- 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)
- Zadvydas v. Davis, 533 U.S. 678, 687 (2001)
- A. A. R. P. v. Trump, 145 S. Ct. 1364, 1367 (2025)
- Leonardo v. Crawford, 646 F.3d 1157, 1160 (9th Cir. 2011)
- 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. Department of Homeland Security, No. 1:25-cv-1578, 2025 WL 3558128, at *2-3 (W.D. Mich. Dec. 12, 2025)
- Sterkaj v. Gonzales, 439 F.3d 273, 279 (6th Cir. 2006)