

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

Moises Ralac Cos v. Kevin Raycraft et al.

Cos v. Raycraft · No. 1:26-cv-174 · Decided February 13, 2026

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted Moises Ralac Cos’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), governs his detention and ordered Respondents to provide a bond hearing within five business days or release him. The court also retained certain respondents and dismissed the United States Department of Homeland Security, the United States Attorney General, and the Executive Office for Immigration Review.

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	February 13, 2026
DOCKET	1:26-cv-174
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner filed a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241, combined with claims for declaratory and injunctive relief, challenging his immigration detention. The court conditionally granted habeas relief and ordered a bond hearing or release.
STANDARD OF REVIEW	The court reviewed the legality of petitioner's detention under 28 U.S.C. § 2241 and considered whether prudential exhaustion should be required or waived. The opinion does not identify a separately stated standard of review.
PRECEDENTIAL VALUE	Unpublished district-court opinion; nonprecedential
PARTIES	Moises Ralac Cos v. Kevin Raycraft, Secretary for the Department of Homeland Security, United States Department of Homeland Security,

TOPICS

immigration detention

procedural due process

statutory interpretation

remedies

civil procedure

PRACTICE AREAS

immigration law

habeas corpus

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the court should enforce prudential exhaustion of administrative remedies before considering Cos's § 2241 challenge to his immigration detention.
2. Whether 8 U.S.C. § 1225(b)(2)(A), rather than 8 U.S.C. § 1226(a), governs the detention of a noncitizen who has resided in the United States and was already present in the country when apprehended.
3. Whether Cos's detention under the mandatory-detention framework of § 1225(b)(2)(A) violates the Fifth Amendment Due Process Clause.
4. Whether the Detroit ICE Field Office Director is the only proper respondent in the habeas action.

HOLDINGS

1. The court declined to enforce prudential exhaustion against Cos and alternatively concluded that waiver of exhaustion was appropriate.
2. Section 1226(a), rather than 8 U.S.C. § 1225(b)(2)(A), governs detention of a noncitizen who has resided in the United States and was already within the United States when apprehended and arrested.
3. Cos's current detention under the mandatory-detention framework of 8 U.S.C. § 1225(b)(2)(A) violates the Fifth Amendment Due Process Clause.
4. The Detroit ICE Field Office Director is not the only proper respondent; the court retained the Field Office Director and the Secretary of Homeland Security and dismissed DHS, the Attorney General, and EOIR as respondents.

KEY QUOTATIONS

“For the following reasons, the Court will conditionally grant Petitioner’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.” (I)

“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” (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” (V.B)

FACTUAL BACKGROUND

Cos is a native and citizen of Guatemala who entered the United States in 2005 without inspection and later resided in Grand Rapids, Michigan. DHS agents arrested him on September 30, 2025, while he was going to work, issued him a Notice to Appear charging inadmissibility under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i) (I), and detained him at the North Lake Processing Center. He was scheduled for an individual hearing before the Detroit Immigration Court on March 24, 2026.

PROCEDURAL HISTORY

Cos was arrested by Department of Homeland Security agents on September 30, 2025, and detained by ICE. He filed this § 2241 action challenging the statutory basis and constitutionality of his detention. The court ordered respondents to show cause, respondents filed a response, and Cos filed a reply. The court declined to enforce prudential exhaustion, conditionally granted the petition, ordered a bond hearing or release, and dismissed several respondents.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Cos 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, and the 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)

OPINION

Cos
PER CURIAM.
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MOISES RALAC COS,

Petitioner, Case No. 1:26-cv-174 v. Honorable Robert J. Jonker KEVIN RAYCRAFT et al.,
Respondents. _____/

OPINION

Petitioner, a United States Immigration and Customs Enforcement (ICE) detainee currently detained at the North Lake Processing Center located in Baldwin, Lake County, Michigan, initiated this action by filing a counseled combined petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and complaint for declaratory and injunctive relief. (Pet., ECF No. 1.) For the following reasons, the Court will conditionally grant Petitioner’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Discussion I. Procedural History In Petitioner’s § 2241 petition, Petitioner challenges the lawfulness of his current detention and asks the Court to, inter alia, assume jurisdiction over this matter and issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241 either ordering Respondents to release Petitioner or ordering Respondents to conduct a bond hearing to satisfy the requirements of due process. (Pet., ECF No. 1, PageID.28.) In an order entered on January 27, 2026, the Court directed Respondents to show cause, within three business days, why the writ of habeas corpus and other relief requested by Petitioner should not be granted. (Order, ECF No. 14.) Respondents filed their response on January 30, 2026, (ECF No. 15), and Petitioner filed his reply on February 3, 2026, (ECF No. 16).

II. Factual Background Petitioner is a native and citizen of Guatemala. (Pet., ECF No. 1, PageID.7; Notice to Appear, ECF No. 2-1, PageID.69.) Petitioner entered the United States in 2005 at an unknown location without inspection. (Pet., ECF No. 1, PageID.7; Notice to Appear, ECF No. 2-1, PageID.69.) Prior to Petitioner’s present detention, he resided in Grand Rapids. (Pet., ECF No. 1, PageID.11–12.) On September 30, 2025, Department of Homeland Security (DHS) agents encountered and arrested Petitioner when he was going to work. (Id., PageID.11.) At that time, DHS issued Petitioner a Form I-862, Notice to Appear (NTA), charging petitioner with inadmissibility under §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA) because Petitioner is an immigrant “present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General,” and “who, at the time of application for admission, is not in possession of a valid unexpired [immigration or travel document].” (NTA, ECF No. 2-1, PageID.72.) Petitioner was scheduled to appear before the Detroit Immigration Court on November 26, 2025.¹ (Id., PageID.69.) Petitioner is scheduled to appear for an individual hearing before the Detroit Immigration Court on March 24, 2026. (Notice of In-Person Hearing, ECF No. 15-2, PageID.43.)

¹ The parties do not provide any other information about the November 26, 2025, hearing.

III. Habeas Corpus Legal Standard The Constitution guarantees that the writ of habeas corpus is “available to every individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2). Section 2241 of Title 28 confers the federal courts with the power to issue writs of habeas corpus to persons “in custody in violation of the Constitution or laws or treaties of the

United States.” 28 U.S.C. § 2241. This includes challenges by non-citizens in immigration- related matters. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); see also *A. A. R. P. v. Trump*, 145 S. Ct. 1364, 1367 (2025). IV. Exhaustion Respondents argue that the Court should deny Petitioner’s request for habeas corpus relief because Petitioner has not exhausted his administrative remedies. Specifically, Respondents argue that Petitioner should pursue a bond hearing and, if necessary, appeal any unfavorable decision to the Board of Immigration Appeals. The Court declines to enforce the doctrine of prudential exhaustion against Petitioner, and even if the Court were to conclude that exhaustion is warranted, the Court concludes in the alternative that waiver of exhaustion is appropriate, for the reasons set forth in the Court’s exhaustion analysis in each of the following cases: *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. Dep’t of Homeland Sec.*, No. 1:25-cv-1578, 2025 WL 3558128, at *2–3 (W.D. Mich. Dec. 12, 2025). Accordingly, the Court will proceed to address the merits of Petitioner’s § 2241 petition. V. Merits Discussion A. Statutory Basis for Petitioner’s Detention Petitioner contends that Respondents have violated the INA by concluding that Petitioner is detained pursuant to the mandatory detention provisions set forth in 8 U.S.C. § 1225(b)(2). Respondents, however, contend that Petitioner meets every element for detention under § 1225(b)(2), and that the statute’s structure and history support Respondents’ interpretation. 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 for the reasons set forth in the Court’s statutory analysis in each of the following cases: *Antele Cobix v. Raycraft*, No. 1:25-cv-1669, 2025 WL 3562651, at *3–6 (W.D. Mich. Dec. 12, 2025); *Candela Bastidas v. Noem*, No. 1:25-cv-1528, 2025 WL 3562638, at *4–6 (W.D. Mich. Dec. 12, 2025); *Acuna Sanchez v. Noem*, No. 1:25-cv-1442, 2025 WL 3562577, at *4–7 (W.D. Mich. Dec. 12, 2025); *Penagos Robles v. U.S. Dep’t of Homeland Sec.*, No. 1:25-cv-1578, 2025 WL 3558128, at *3–6 (W.D. Mich. Dec. 12, 2025). B. Fifth Amendment Due Process Considerations Petitioner also argues that his detention violates the Fifth Amendment’s Due Process Clause. Respondents counter Petitioner’s arguments by stating that Petitioner has received notice of the charges against him, has access to counsel, is scheduled to attend hearings with an immigration judge, has the right to appeal the denial of any request for bond, and has been detained by ICE for only four months. 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 for the reasons set forth in the Court’s constitutional analysis in each of the following cases: *Antele Cobix v. Raycraft*, No. 1:25-cv-1669, 2025 WL 3562651, at *6–8 (W.D. Mich. Dec. 12, 2025); *Candela Bastidas v. Noem*, No. 1:25-cv-1528, 2025 WL 3562638, at *7–8 (W.D. Mich. Dec. 12, 2025); *Acuna Sanchez v. Noem*, No. 1:25-cv-1442, 2025 WL 3562577, at *7–9 (W.D. Mich. Dec. 12, 2025); *Penagos Robles v. U.S. Dep’t of Homeland*

Sec., No. 1:25-cv-1578, 2025 WL 3558128, at *6–8 (W.D. Mich. Dec. 12, 2025). VI. Other Claims and Other Forms of Relief Because the Court will conditionally grant Petitioner’s § 2241 petition as set forth herein, the Court does not address other claims and other requested relief in Petitioner’s § 2241 petition. VII. Proper Respondents Respondents argue that the Detroit ICE Field Office Director is the only proper Respondent in this action, and they seek the dismissal of all of the other named Respondents. The Court concludes that the ICE Detroit Field Office Director is not the only proper Respondent for the reasons set forth in the Court’s analysis of the same argument in each of the following cases: *Antele Cobix v. Raycraft*, No. 1:25-cv-1669, 2025 WL 3562651, at *8–9 (W.D. Mich. Dec. 12, 2025); *Candela Bastidas v. Noem*, No. 1:25-cv-1528, 2025 WL 3562638, at *8–9 (W.D. Mich. Dec. 12, 2025); *Acuna Sanchez v. Noem*, No. 1:25-cv-1442, 2025 WL 3562577, at *9–10 (W.D. Mich. Dec. 12, 2025); *Penagos Robles v. U.S. Dep’t of Homeland Sec.*, No. 1:25-cv-1578, 2025 WL 3558128, at *9–10 (W.D. Mich. Dec. 12, 2025). To ensure that this Court’s orders regarding a hearing or release will bind at least one Respondent with authority to act in the event that Petitioner is transferred out of the Western District of Michigan, the Court will retain the ICE Detroit Field Office Director and the Secretary for the Department of Homeland Security as Respondents. The Court will dismiss the United States Department of Homeland Security, the United States Attorney General, and the Executive Office for Immigration Review as Respondents. Conclusion For the reasons discussed above, the Court will enter a judgment conditionally granting Petitioner’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1.) 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.² The Court will also order Respondents to file a status report within six business days of the date of this Court’s opinion and judgment to certify compliance with this opinion and the corresponding judgment. The status report shall include if and when the bond hearing occurred, if bond was granted or denied, and if bond was granted, the conditions of the bond, or if bond was denied, the reasons for the denial. Further, the Court will dismiss the United States Department of Homeland Security, the United States Attorney General, and the Executive Office for Immigration Review as Respondents. Dated: February 13, 2026 /s/ Robert. J. Jonker Robert J. Jonker United States District Judge 2 This Court has adopted a standard practice of requiring such a hearing within five business days, even if the Petitioner requests a deadline that is shorter or longer.