

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

BOBAN MIRCEVSKI,
/aka/ Boban Zivko Mircevski Mircevski
DHS File No. 

Petitioner,

v.

Kevin RAYCRAFT, Field Office
Director of Enforcement and Removal
Operations, Detroit Field Office,
IMMIGRATION AND CUSTOMS
ENFORCEMENT; Kristi NOEM,
Secretary, U.S. DEPARTMENT OF
HOMELAND SECURITY; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Pamela BONDI, U.S.
Attorney General; EXECUTIVE
OFFICE FOR IMMIGRATION
REVIEW; Sheriff Mat
KING, Sheriff of St. Clair County Jail

Respondents.

Case No. 2:25-cv-12400

Hon. Judith E. Levy

Mag. Patricia T. Morris

REPLY BRIEF TO RESPONSE FOR A WRIT OF HABEAS CORPUS

REPLY BRIEF TO RESPONSE FOR A WRIT OF HABEAS CORPUS

1. Petitioner, BOBAN MIRCEVSKI ([REDACTED]), by and through his undersigned counsel, respectfully petitions this Honorable Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents.
2. Respondents have admitted that Immigration and Custom Enforcement's ("ICE") Detroit Field Office, Office of Enforcement and Removal Operations ("Detroit ERO"), recommended that Mr. Mircevski be released from immigration detention as he is not a flight risk, and his removal is unlikely to occur in the reasonably foreseeable future.
3. Respondents have admitted they are unable to obtain travel documents for Mr. Mircevski as he is stateless.
4. Moreover, Petitioner agrees with Respondents' correct understanding of and application of the likelihood of removal standard. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). In fact, Respondents admit in their Response and the attached declaration of Deportation Officer David Moore that there is no reasonable likelihood of removal based on the denial of travel documents to the multiple countries contacted. *See* Response to Petition for Writ of Habeas Corpus, Dkt., No.
5. Respondents maintain that Mr. Mircevski remains in custody because ICE ERO Headquarters Removal Division has not processed the release

recommendation. That occurred over two months ago, with no date certain for a response.

6. This idling by Respondents is the sole reason for Petitioner's continued, prolonged detention in violation of the Due Process Clause of the Fifth Amendment and Fourteenth Amendment, as well as 8 U.S.C. § 1231.

7. Petitioner, therefore, respectfully requests that this Court issue a writ of habeas corpus, determine that Petitioner's detention is not justified because the government has not established by clear and convincing evidence that Petitioner presents a risk of flight or danger in light of available alternatives to detention, and order Petitioner's release, with appropriate supervisory conditions if necessary.

8. Should a hearing or conference be necessary for this determination, Petitioner requests the hearing occur timely between September 5-12, so as to not further extend Petitioner's unlawful detention.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Jaimie Lerner

Jaimie Lerner (P85023)

Attorney for Petitioner

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Dated: August 28, 2025

CERTIFICATE OF SERVICE

I, Jaimie Lerner, certify that on August 28, 2025, I caused a true and correct copy of the foregoing document to be filed and served electronically via the ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system.

Respectfully submitted,

/s/ Jaimie Lerner