United States District Court
Eastern District of Michigan

John Doe,

Petitioner-Plaintiff, and

James Smith,

Plaintiff,

v.

Kevin Raycraft, in his official capacity as Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; Todd Lyons, in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement; Joseph B. Edlow, in his official capacity as Director, U.S. Citizenship and Immigration Services, and Kristi Noem, in her official capacity as Secretary, U.S. Department of Homeland Security,

Respondent-Defendants.

Civil No. 25-13124

Honorable Mark A. Goldsmith
Mag. Judge Patricia T. Morris

Response to Petition for a Writ of Habeas Corpus

Respondents submit this response to petitioner's request for a writ of habeas corpus, (ECF No. 1). As described in the attached brief, respondents respectfully

request that the Court deny the petition because petitioner's detention does not violate the constitution or federal law.

Respectfully submitted,

Jerome F. Gorgon Jr.
United States Attorney

/s/ Zak Toomey
Zak Toomey (MO61618)
Assistant U.S. Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9617
zak.toomey@usdoj.gov

Dated: October 22, 2025

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James Smith,

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Kevin Raycraft, in his official capacity as Acting Field Office Director of Enforcement and Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; et al.,

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Respondents' Brief in Support of Their Response to Petition for a Writ of Habeas Corpus

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Issues Presented

I. Should the Court dismiss petitioner's habeas claim against all respondents except the ICE Field Office Director when only the ICE Field Office Director is a proper respondent in this habeas case?

II. Is petitioner's detention proper under the due process clause when his detention has a definite end point—the conclusion of his administrative removal proceedings—and the due process clause permits detention during that period?

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Introduction

Petitioner is a noncitizen with no lawful immigration status detained under 8 U.S.C. § 1225(b)(1) as an "arriving alien" during his administrative immigration proceedings, which will conclude in three weeks when the immigration court holds a hearing on his claim for asylum. In this case, petitioner seeks a writ of habeas corpus and argues that detention during his administrative proceedings, which has lasted approximately six months, violates his due process rights. The Court should deny petitioner's request for a writ of habeas corpus because the plain language of the statute requires his detention and the Supreme Court has held that detention under these circumstances is lawful and complies with due process.

Background

Petitioner John Doe is a citizen of Haiti. (Exhibit 1 – Hackett Decl. ¶ 4). In 2023, he applied for entry to the United States at an international port in Arizona, but he did not possess any valid immigration documents authorizing his entry, so Customs and Border Protection (CBP) officers arrested Doe and charged him with inadmissibility under 8 U.S.C. § 1182(a)(7)(A)(i)(I), which renders noncitizens inadmissible if they do not possess valid immigration documents. (*Id.* ¶ 5). At that time, Doe claimed that he feared returning to his home country. (Exhibit 2 – 2023 I-213 at 2). CBP initiated removal proceedings against Doe and paroled him under 8

U.S.C. § 1182(d)(5)(A) while his administrative removal proceedings were pending. (Exhibit 1 – Hackett Decl. ¶ 5; NTA, ECF No. 1-2, PageID.43).

In 2024, Doe applied for asylum in his administrative removal proceedings and submitted an application to USCIS seeking Temporary Protected Status. (Exhibit 1 – Hackett Decl. ¶¶ 6–7). Those applications remain pending in their respective forums. (*See id.* ¶¶ 6–7, 15, 17).

On April 14, 2025, Doe crossed the Ambassador Bridge to the Canadian border in a commercial vehicle. (Exhibit 1 – Hackett Decl. ¶ 8). Canadian officials refused entry to Doe and sent him back to the CBP station on the United States's side of the bridge. (*Id.*). At the CBP station, officials questioned Doe about his reasons for seeking entry to Canada. (*Id.*). Doe responded that he had made a wrong turn. (*Id.*). CBP officials arrested Doe and detained him under 8 U.S.C. § 1225(b)(1) because he was an arriving alien applying for admission at a port of entry without valid immigration documents. (*Id.*). Upon his arrest, CBP officers presented Doe with a warrant for his arrest and a notice indicating that it had determined that he should be detained during his administrative immigration proceedings. (*Id.*; Exhibit 3 – I-200 at 1; Exhibit 4 – I-286 at 1).

On May 29, 2025, Doe appeared in immigration court for a bond hearing but withdrew his request for bond. (Exhibit 1 – Hackett Decl. ¶ 10; Exhibit 5 – Bond Order at 1).

In June 2025, Doe appeared at a master calendar hearing in immigration court and admitted the charges of removability against him, however, he requested relief from removal based on his claim for asylum. (Exhibit 1 – Hackett Decl. ¶¶ 11–12).

On August 8, 2025, Doe requested that ICE parole him during his administrative immigration proceedings. (*See* Parole Worksheet, ECF No. 1-14, PageID.97; Parole Not., ECF No. 1-14, PageID.95). However, the agency declined to parole him because he had not identified the address where he would live if paroled, he gave inconsistent statements regarding his attempt to enter Canada, which led the agency to suspect that he was being deceptive, and because the agency believed he was a flight risk, given that he was arrested while trying to leave the United States. (Parole Worksheet, ECF No. 1-14, PageID.98; Parole Not., ECF No. 1-14, PageID.95–96).

The immigration court has scheduled a merits hearing on Doe's application for asylum for November 14, 2025. (Exhibit 1 – Hackett Decl. ¶ 17).

Standard of Review

A district court may grant a writ of habeas corpus if a petitioner is in federal custody in violation of the Constitution or a federal law. 28 U.S.C. § 2241.

Argument

The Court should deny petitioner's request for a writ of habeas corpus. First, the Court should dismiss all respondents except the ICE Field Office Director.

Second, the Court should reject Doe's argument that his detention violates the Due Process Clause because controlling precedent demonstrates that his detention does not violate his constitutional rights.

I. The Court Should Dismiss All Respondents Except the ICE Field Office Director

A writ of habeas corpus may only be issued "to the person having custody of the person detained." 28 U.S.C. § 2243. Except in extraordinary circumstances, the only proper respondent in a habeas corpus case is the detainee's immediate custodian. *See Roman v. Ashcroft*, 340 F.3d 314, 320 (6th Cir. 2003). In the immigration context, that is the ICE Field Office Director. *See id.*

Here, the Secretary of the Department of Homeland Security, the Director of ICE, and the Director of USCIS are not proper respondents. Doe alleges that Acting ICE Field Office Director Kevin Raycraft is his "immediate custodian." (Pet., ECF No. 1, PageID.6). Therefore, only the ICE Field Office Director is a proper respondent for Doe's habeas claim and his habeas claim against the remaining respondents should be dismissed. *See Roman*, 340 F.3d at 320.

II. Doe's Detention Complies with Due Process

Doe is detained as an "arriving alien" under 8 U.S.C. § 1225(b)(1) because he applied for admission to the United States at a port of entry but lacked valid immigration documents. (Exhibit 1 – Hackett Decl. ¶ 9). Noncitizens detained under § 1225(b)(1) may be removed from the United States "without further hearing or

review" unless they apply for asylum or claim that they fear returning to their home country. 8 U.S.C. § 1225(b)(1)(A)(i). If a noncitizen detained under 8 U.S.C. § 1225(b)(1) seeks asylum, it triggers a multi-level administrative review process that necessarily prolongs the noncitizen's administrative immigration proceedings. *See* 8 U.S.C. § 1225(b)(1)(B); *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 109–13 (2020) (describing the multi-level review process provided in § 1225(b)(1)(B)).

When a noncitizen triggers the administrative review process required by asylum claims, the statute requires that the noncitizen be detained until the conclusion of those proceedings. *See* 8 U.S.C. § 1225(b)(1)(B)(iii)(IV). Specifically, the statute states: "Any alien subject to the procedures under this clause shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed." *Id.* Under the plain language of this statute, noncitizens detained under § 1225(b)(1) may not be released on bond during their administrative immigration proceedings. *See id.*; *Jennings v. Rodriguez*, 583 U.S. 281, 302 (2018); *see also BedRoc Ltd., LLC v. United States*, 541 U.S. 176, 183 (2004) (A court's "inquiry begins with the statutory text, and ends there as well if the text is unambiguous.").

For instance, in *Jennings*, a class of noncitizens detained under § 1225(b)(1) (and similar statutes) challenged their mandatory detention during their

administrative removal proceedings. *Jennings*, 583 U.S. at 286–91. The named class plaintiff, Rodriguez, was initially detained in April 2004 and charged with removal. *Id.* Rodriguez sought relief from removal and, when that was denied, he appealed to the Board of Immigration Appeals. *Id.* In May 2007, after his administrative proceedings had lasted more than three years, he filed a habeas suit challenging his detention and alleged that he was entitled to a bond hearing to determine whether he should be released. *Id.* However, the Supreme Court flatly rejected Rodriguez's argument because the plain language of the statutes requiring detention during removal proceedings, which includes § 1225(b)(1), "mandate detention of aliens throughout the completion of applicable proceedings." *Id.* at 302–03; *see also Hamama v. Adducci*, 946 F.3d 875, 879 (6th Cir. 2020) (noting that "*Jennings* indeed forbade" courts from concluding that bond hearings were permissible for noncitizens detained under § 1225(b)).

The Supreme Court has similarly held that detention during administrative immigration proceedings complies with due process. "It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003). However, the Supreme Court "has firmly and repeatedly endorsed the proposition that Congress may make rules as to aliens that would be unacceptable if applied to citizens" and it "has recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation

process." *Id.* at 522–23. Accordingly, the Supreme Court has squarely held that statutes mandating detention during administrative proceedings do not violate a noncitizen's due process rights because those proceedings are not indefinite and will conclude in the natural course of the administrative process. *See id.* at 528–31. Indeed, the Sixth Circuit has acknowledged that the Supreme Court's holding on this point in *Demore* is so clear that it "allay[s] any constitutional concerns on that front" without further discussion. *See Hamama*, 946 F.3d at 879.

Here, Doe's detention does not violate his due process rights. He is detained under § 1225(b)(1), which requires mandatory detention during his administrative proceedings. (*See* Exhibit 1 – Hackett Decl. ¶ 9); 8 U.S.C. § 1225(b)(1)(B)(iii)(IV). At this time, he has been detained for six months (a period much shorter than the three-year period described in *Jennings*) and his administrative immigration proceedings will conclude in three weeks when the immigration court rules on his asylum application. (*See* Exhibit 1 – Hackett Decl. ¶ 17). If the immigration court does not grant Doe asylum and he appeals that decision, his detention may continue, but under controlling Supreme Court precedent neither the statute nor the constitution require that Doe receive a bond hearing while he pursues additional relief through the administrative process. *See, e.g.*, *Jennings*, 583 U.S. at 286–91, 302–03; *Demore*, 538 U.S. at 528–31. Accordingly, the Court should deny Doe's petition for a writ of habeas corpus.

The Court should reject Doe's argument that he is entitled to greater due process rights than a noncitizen detained at the border because he was initially paroled. As an initial matter, under the plain text of the statute authorizing Doe's parole, "such parole of such alien shall not be regarded as an admission of the alien" and "when the purposes of such parole shall . . . have been served the alien shall forthwith return or be returned to custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States." 8 U.S.C. § 1185(d)(5). Similarly, "an arriving alien remains an arriving alien even if paroled pursuant to section [1182](d)(5) of the Act, and even after any such parole is terminated or revoked." 8 C.F.R. § 1.2. And, if the statute were not clear, the Supreme Court has confirmed that, with respect to noncitizens detained under § 1225(b)(1), "who arrive at ports of entry—even those paroled elsewhere in the country for years pending removal—are treated for due process purposes as if stopped at the border." *Thuraissigiam*, 591 U.S. at 139. Accordingly, the fact that Doe was initially paroled into the United States has no effect on the due process analysis in this case. *See id.*

Similarly, the Court should reject Doe's argument that abrogated Sixth Circuit cases and cases from other circuits support a different outcome. For example, Doe argues that *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003), supports his argument that noncitizens detained during administrative immigration proceedings may be entitled

to a bond hearing. (*See* Pet., ECF No. 1, PageID.15–16). However, the Sixth Circuit has acknowledged that *Ly* was abrogated by the Supreme Court in *Jennings*. *Martinez v. Larose*, 968 F.3d 555, 565 n. 7 (6th Cir. 2020); *Hamama*, 946 F.3d at 879 ("*Ly* did not survive *Jennings*"). And, given the clarity of the Supreme Court's precedent on this issue, rulings by courts in other circuits are immaterial. *See Taylor v. Buchanan*, 4 F.4th 406, 408 (6th Cir. 2021) (federal courts "may not disregard Supreme Court precedent unless and until it has been overruled by the Court itself."). In any event, the out-of-circuit precedent Doe cites either undermines his argument, *see Reid v. Donelan*, 17 F.4th 1, 8, 12 (1st Cir. 2021) (rejecting argument that due process required that noncitizens in mandatory detention during administrative immigration proceedings were entitled to bond hearings), or are directly contrary to *Jennings* and the approach to *Jennings* adopted by the Sixth Circuit. *See Banyee v. Garland*, 115 F.4th 928, 932 n.3, 933 (8th Cir. 2024) (recognizing that nearly all the cases cited by Doe are contrary to *Jennings*); *Martinez*, 968 F.3d at 565; *Hamama*, 946 F.3d at 879 (declining to engage in a Fifth Amendment balancing test in light of the clear guidance provided in *Jennings*).

Conclusion

Respondents respectfully requests that the Court deny petitioner's request for a writ of habeas corpus.

Respectfully submitted,

Jerome F. Gorgon Jr.
United States Attorney

/s/ Zak Toomey
Zak Toomey (MO61618)
Assistant U.S. Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9617
zak.toomey@usdoj.gov

Dated: October 22, 2025

Certificate of Service

I hereby certify that on October 22, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/s/ Zak Toomey
Zak Toomey
Assistant U.S. Attorney