

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BERNIS SANTIAGO RIVERA-CRUZ,

Petitioner,

v.

Kevin RAYCRAFT, Field Office Acting 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; THE GEO GROUP INC., facility
operators; John DOE, Warden of North Lake
Correctional Facility (or his/her successors),

Respondents.

Case No. 25-01250

PETITIONER'S MOTION TO EXPEDITE HABEAS PROCEEDINGS

Petitioner, through undersigned counsel, respectfully moves this Court to expedite consideration of his habeas corpus petition under 28 U.S.C. § 2241. In support thereof, Petitioner states as follows:

I. BACKGROUND

1. Petitioner has been detained by Immigration and Customs Enforcement ("ICE") since October 11, 2025.
2. Petitioner filed a habeas petition on October 16, 2025, challenging his ongoing detention and seeking immediate release or a prompt bond hearing.

3. This matter was assigned to this Court on October 17, 2025. No order was issued until October 29, 2025, when the Court directed Respondents to respond within twenty-one days¹ and permitted an additional ten days for Petitioner's reply.
4. With this current schedule, Petitioner will have been detained well over forty days since filing his petition, without judicial review of the lawfulness of his confinement.
5. Furthermore, Respondents' position has been recently litigated, unsuccessfully, in this court and across the country.²

II. LEGAL STANDARD

6. Under 28 U.S.C. § 2243, "[t]he writ, or order to show cause ... **shall be returned within three days** unless for good cause additional time, not exceeding twenty days, is allowed" (emphasis added). The statute further mandates that the court "shall summarily hear and determine the facts, and dispose of the matter as law and justice require." The plain language of the habeas statute thus requires prompt judicial action.
7. Courts have repeatedly emphasized that habeas corpus is, by its very nature, intended to afford swift relief from unlawful custody. *Ruby v. United States*, 341 F.2d 585, 587 (9th Cir. 1965) ("A habeas application usurps the attention and displaces the calendar of the judge who entertains it and receives prompt action from him or her within the four corners of the application."); *Gonzalez v. O'Connell*, 355 F.3d 1010, 1016 (7th Cir. 2004) ("Sound judicial discretion governs... whether exhaustion should be required, but timeliness is essential in habeas review.").

¹ On or by November 19, 2025

² Respondents seek to ignore years of precedent and lean into a statutory "interpretation" that seeks to upend 30 years of reasoned statutory interpretation. They regurgitate arguments already rejected by "[a]t least a dozen federal courts," who have reached the opposite conclusion upon reviewing the statutory text, statutory history, congressional intent, and statutory application for the last three decades. *Pizarro Reyes*, 2025 WL 2609425, at *3 (collecting cases). See attached Appendix for list of cases that have rejected their arguments.

III. ARGUMENT

8. This case presents an urgent liberty deprivation. Every additional day Petitioner remains detained without judicial review deepens the constitutional injury. The Court's current schedule that permits 21 days for the government to respond and 10 more for Petitioner's reply extends far beyond the "forthwith" standard contemplated by § 2243 and effectively nullifies the remedy's purpose.
9. No "good cause" has been shown for the extended response period, and district courts within this circuit routinely order responses within three to seven days in similar immigration habeas matters. *See, e.g., Escobar-Ruiz v. Raycraft et al.*, No. 1:25-cv-01232 (W.D.Mich. 2025)(5 days to reply with Petitioner response 3 days after); *Escobar-Ruiz v. Raycraft et al.*, No. 1:25-cv-01232 (W.D.Mich. 2025)(5 days to reply with Petitioner response 3 days after) *Hernandez-Garcia v. Raycraft et al.*, No. 1:25-cv-01281 (W.D. Mich. 2025); *Hernandez-Franco v. Raycraft et al.*, No. 1:25-cv-01274 (W.D. Mich. 2025).
10. Given the ongoing detention, expediting review is warranted under both § 2243 and this Court's inherent authority to manage its docket to prevent manifest injustice.

IV. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

- (a) Modify its October 29, 2025 order and direct Respondents to file their response within three (3) days of the Court's ruling on this motion;
- (b) Alternatively, shorten the current response deadline to no more than seven (7) days from the date of this order; and
- (c) Grant such further relief as this Court deems just and proper.

Dated: November 3, 2025

Respectfully Submitted by:

/s/ William A. Quiceno

Kempster, Corcoran, Quiceno &
Lenz- Calvo, Ltd.
332 S. Michigan Avenue, Suite 1428
Chicago, IL 60604
(312) 341-9730, Ext. 134
Atty. Code: 6243695

APPENDIX A

RECENT CASE LAW SUPPORT PETITIONER'S HABEAS CORPUS PETITION

Pizarro Reyes, 2025 WL 2609425, at *3 (collecting cases); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Martinez v. Hyde*, 1:25-cv-11613-BEM, 2025 WL 208438 (D. Mass. July 24, 2025); *Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28, 2025); *Rosado v. Figueroa et al.*, No. 2:25-cv-02157-DLR, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Lopez Benitez v. Francis et al.*, No. 1:25-cv-05937-DEH, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Gonzalez et al. v. Noem et al.*, No. 5:25-cv-02054-ODW-BFM (C.D. Cal. Aug. 13, 2025); *dos Santos v. Noem*, No. 1:25-cv-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Romero v. Hyde, et al.*, No. 1:25-cv -11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Benitez et al. v. Noem et al.*, No. 5:25-cv-02190-RGK-AS (C.D. Cal. Aug. 26, 2025); *Kostak v. Trump et al.*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Aguilar Merino v. Ripa et al.*, No. 25-23845-CIV, 2025 WL 2941609, at *3 (S.D. Case 2:25-cv-13086-SKD-DRG ECF No. 6, PageID.186 Filed 10/21/25 Fla. Oct. 15, 2025); *Sanchez Alvarez v. Noem et al.*, No. 1:25-CV-1090, 2025 WL 2942648 (W.D. Mich. Oct. 17, 2025).