

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN**

Antonio Toledo Martinez,)	
)	
Petitioner,)	Case No.
)	
v.)	PETITION FOR WRIT
)	OF HABEAS CORPUS
)	
Unknown, Warden, North Lake Processing Center;)	
Marty C. Raybon, Director of Detroit Field Office,)	
U.S. Immigration and Customs Enforcement;)	
Kristi Noem, Secretary of the U.S. Department of)	
Homeland Security; and Pamela Bondi,)	
Attorney General of the United States,)	
in their official capacities,)	
)	
Respondents.)	
)	

INTRODUCTION

1. Petitioner Antonio Toledo Martinez petitions this Court to issue a Writ of Habeas Corpus, ordering Respondents to show cause within three days, providing reasons, if any, as to why Petitioner's detention is lawful. 28 U.S.C. § 2243. Petitioner was detained on October 1, 2025. Because Petitioner's detention has been unconstitutionally prolonged, Petitioner urges the Court to grant his petition and order Respondent to release him from detention. 28 U.S.C. § 2241. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

JURISDICTION

2. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

3. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Under 8 U.S.C. § 1252(e)(2), this Court has habeas authority to determine whether Petitioner can prove by a preponderance of the evidence that he is an asylee under 8 U.S.C. § 1158.
4. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

5. Venue is proper in the Western District of Michigan because that is where Petitioner is detained and where a substantial part of the events or omissions giving rise to his claims occurred. *See* 28 U.S.C. § 1391(b).

REQUIREMENTS OF 28 U.S.C. § 2243

6. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
7. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

8. Petitioner is a noncitizen. Petitioner is currently detained at the North Lake Processing Center in Michigan. He is in the custody, and under the direct control of Respondent's and their agents.
9. The Warden of the North Lake Processing Center is unknown, however, the North Lake Processing Center has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent North Lake Processing Center is a legal custodian of Petitioner.
10. Respondent Marty C. Raybon is sued in his official capacity as the Director of the Detroit Field Office of U.S. Immigration and Customs Enforcement. Respondent Raybon is a legal custodian of Petitioner and has authority to release him.
11. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.
12. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

13. Petitioner is a 52-year-old citizen of Mexico. He has a U.S. Citizen daughter who is 19 years-old.
14. Petitioner is the main provider for his family.
15. Petitioner has no prior criminal history. He has never been convicted of any crime and is not a security threat to the United States.
16. Petitioner entered the United States in 2002 without inspection or admission.
17. Petitioner was detained by ICE agents on October 1, 2025.
18. Petitioner was held at the Broadview Processing Center in Broadview, Illinois, until he was transferred to the North Lake Processing Center. Since being detained he has had limited contact with his family.
19. Petitioner suffers from serious mental health concerns, displaying symptoms of delusions and visual and audio hallucinations. He requires immediate mental health intervention.
20. Petitioner's children are distraught, not having contact with Petitioner.

LEGAL FRAMEWORK

21. Petitioner is detained under an immigration statute that mandates the detention of all “arriving aliens” without individualized bond hearings. *See* 8 U.S.C. § 1255(b)(1)(B)(ii).
22. The Fifth Amendment to the U.S. Constitution provides further limits on detention. As the Supreme Court has noted “[i]t is well-established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.” *Demore*, 538 U.S. at 523 (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690

(2001). This fundamental due process protection applies to all noncitizens, even if they are removable or inadmissible. See *id.* at 721 (Kennedy, J., dissenting) (“[B]oth removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious.”). Under these due process principles, detention must “bear [a] reasonable relation to the purpose for which the individual [was] committed.” *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972))

23. Due process therefore requires “adequate procedural protections” to ensure that the government’s asserted justification for physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* at 690 (internal quotations omitted). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 538.
24. Following *Zadvydas* and *Demore*, every circuit court to confront the issue has protected the due process rights of people detained in civil immigration detention by requiring a custody hearing for noncitizens subject to unreasonably prolonged detention pending removal proceedings. See *Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199 (11th Cir. 2016); *Reid v. Donelan*, 819 F.3d 486 (1st Cir. 2016); *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015); *Rodriguez v. Robbins* (Rodriguez III), 804 F.3d 1060 (9th Cir. 2015); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011); *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003).
25. In addition to the amount of time in detention, courts weigh the following factors when assessing reasonableness of detention: (1) how long the detention will likely continue in the absence of judicial relief; (2) the nature and extent of removal proceedings, including

whether any delays are attributable to the government or the immigrant; (3) the conditions of detention; and (4) the likelihood that the proceedings and judicial review will end with a removal order. *See Jamal v. Whitaker*, 358 F. Supp. 3d 853, 859-60 (S.D.N.Y. 2018).

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Administrative Procedure Act - 5 U.S.C. § 706(2)(A)

Abuse of Discretion

Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

1. Petitioner restates and realleges all paragraphs as if fully set forth here.
2. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).
3. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).
4. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).
5. By categorically detaining, denying Petitioner’s release, and seeking to transfer him away from the district without consideration of his individualized facts and circumstances, Respondents have violated the APA.

6. Respondents have not considered Petitioner's facts and circumstances and determined that he is a flight risk or danger to the community.

COUNT TWO

Violation of the Administrative Procedure Act - 5 U.S.C. § 706(2)(A)

Not in Accordance with Law and Excess of Statutory Authority

Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

1. Petitioner restates and realleges all paragraphs as if fully set forth here.
2. Under the APA, a court "shall . . . hold unlawful . . . agency action" that is "not in accordance with law;" "contrary to constitutional right;" "in excess of statutory jurisdiction, authority, or limitations;" or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A)-(D).
3. It is a well-established administrative principle that "agency action taken without lawful authority is at least voidable, if not void ab initio." *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015); see also *Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by an unauthorized official).
4. On information and belief, Respondents have detained Petitioner without a warrant much less probable cause.
5. Because Petitioner's detention was made by government officials not authorized by law to make this detention, Respondents' detention of Petitioner is not in accordance with law and in excess of statutory authority.

COUNT THREE

Violation of Fifth Amendment Right to Due Process

1. The allegations in the above paragraphs are realleged and incorporated herein.
2. The Due Process Clause of the Fifth Amendment forbids the government from depriving

any “person” of liberty without due process of law.” U.S. Const. amend. V.

3. For these reasons, Petitioner’s detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (3) Declare that Petitioner’s detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;
- (4) Declare that Petitioner’s detention was made in violation of statute and regulation;
- (5) Declare the continued detention of the Petitioner to lack statutory authorization;
- (6) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (7) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the court’s approval;
- (8) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (9) Grant any further relief this Court deems just and proper.

Respectfully Submitted,

\s\ Hanna Kayali
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LaShae Prins
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Counsel for Petitioner

Dated: October 24, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Guillermina Amigon Cardona, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 24 day of October, 2025.

\s\ Hanna Kayali
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**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN**

Antonio Toledo Martinez,)	
)	
Petitioner,)	Case No.
)	
v.)	EMERGENCY MOTION FOR
)	TEMPORARY RESTRAINING
)	ORDER AND PRELIMINARY
Unknown, Warden, North Lake Processing Center;)	INJUNCTION
Marty C. Raybon, Director of Detroit Field Office,)	
U.S. Immigration and Customs Enforcement;)	
Kristi Noem, Secretary of the U.S. Department of)	
Homeland Security; and Pamela Bondi,)	
Attorney General of the United States,)	
in their official capacities,)	
)	
Respondents.)	
)	
)	

**PETITIONER’S EMERGENCY MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

Petitioner respectfully requests that the Court grant his Emergency Motion for a Temporary Restraining Order and Preliminary Injunction to prevent transferring the Petitioner out of this district. He seeks immediate injunctive relief to protect him, his wife, and U.S. Citizen daughter from ongoing and imminent harm caused by Respondents.

Respectfully Submitted,

/s/ Hanna Kayali

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Dated: October 25, 2025